

LOUIS R. RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Mayor Pro-Tem
Councilmember District 1



CHUCK ENGELKEN
Councilmember District 2
DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Councilmember District 4
JAY MARTIN
Councilmember District 5
MIKE CLAUSEN
Councilmember District 6

CITY COUNCIL MEETING AGENDA

Notice is hereby given of a Regular Meeting of the La Porte City Council to be held September 12, 2016, beginning at 6:00 PM in the City Hall Council Chambers, 604 W. Fairmont Parkway, La Porte, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

1. **CALL TO ORDER**
2. **INVOCATION** – The invocation will be given by Brian Christen, La Porte Community Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance will be led by Councilmember Danny Earp.
4. **PUBLIC COMMENTS** (Limited to five minutes per person.)
5. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
 - (a) Consider approval or other action regarding the minutes of the meeting held on August 22, 2016 - P. Fogarty
 - (b) Consider approval or other action authorizing the City Manager to execute a contract for Bid #16019 for Fairmont Parking Lot - R. Epting
 - (c) Consider approval or other action regarding an Ordinance amending Chapter 50 Parks and Recreation Appendix A - Fees of the Code of Ordinances of the City of La Porte by adjusting various green user fees - A. Osmond
 - (d) Consider approval or other action regarding an amendment to the Meet and Confer Agreement between the City of La Porte and the La Porte Police Officers' Association to extend the term of the base agreement and existing amendments to September 30, 2017 - M. Hartleib
 - (e) Consider approval or other action regarding an Ordinance establishing Chapter 86 Development Regulations Appendix A - Fees of the Code of Ordinances of the City of La Porte, by designating filing fees for plans, plats and waivers; amending Chapter 62 Streets, Sidewalks and other Public Places regarding right-of-way closures; and amending Chapter 62 Appendix A - fees by revising right-of-way closing application fee; and amending Chapter 106 Zoning Appendix A - Fees, by revising fees for Zone Changes; SCUPS; Variances; Special Exceptions; and Appeals of Enforcement Officer Decision - E. Ensey
6. **PUBLIC HEARINGS AND ASSOCIATED ORDINANCES**
 - (a) Public hearing to receive comments regarding Juvenile Curfew Ordinance; and consider approval or other action regarding an Ordinance amending Chapter 42 Miscellaneous Offenses of the Code of Ordinances by revising Juvenile Curfew Regulations - K. Adcox

- (b) Public hearing to receive comments on Staff recommendation of condemnation of eighteen (18) dangerous/substandard structures; consider Ordinances for condemnation of dangerous/substandard structures located at 403 Arizona St.; 3313 Bayer St.; 129 Bayshore Dr.; 223 Bayside Dr.; 304 S. Blackwell St.; 2511 S. Broadway St.; 2823 S. Broadway St. #1; 3142 Fondren St.; 202 North Forrest Ave; 211 North Forrest Ave; 3142 Hamilton St.; 727 S. Kansas St.; 0 S. Lobit St.; 713 S. Lobit St.; 621 W. Main St.; 11810 N. P St.; 1608 Roscoe St.; and 902 S. Utah St. - M. Huber
- (c) Public hearing to receive comments regarding the City of La Porte, Texas Fiscal Year 2016-2017 Proposed Budget - M. Dolby
- (d) Consider approval or other action regarding an Ordinance approving and adopting the City of La Porte Texas' Fiscal Year 2016-2017 Proposed Budget - M. Dolby

7. **AUTHORIZATIONS**

- (a) Consider approval or other action regarding a Resolution adopting the 2016 Appraisal Roll of the Harris County Appraisal District - M. Dolby
- (b) Consider approval or other action regarding an Ordinance establishing the tax rate for the current tax year (2016) for a total tax rate of \$0.71 per hundred dollar valuation - M. Dolby
- (c) Consider approval or other action regarding an Ordinance amending Chapter 70 "Traffic and Vehicles" of the Code of Ordinances by revising certain regulations related to establishment of school zones within the corporate limits of the City of La Porte - K. Adcox
- (d) Consider approval or other action regarding an Ordinance amending Chapter 74 "Utilities" of the Code of Ordinances of the City of La Porte, Texas related to calculation of Development Fees for Developer/Owner Funding of Utility Line Extensions - E. Ensey

8. **DISCUSSION AND POSSIBLE ACTION**

- (a) Discussion and possible action regarding evaluation of and review process for Request for Proposals for collection services of delinquent ad valorem taxes - Councilmembers Zemanek; Kaminski and J. Martin
- (b) Discussion and possible action regarding appointments to various City of La Porte boards, committees and commissions - P. Fogarty
- (c) Discussion and possible action regarding casting of votes in election of candidates for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees - P. Fogarty
- (d) Discussion and possible action regarding artwork for the Main Street elevated water tank - T. Leach
- (e) Discussion and possible action regarding Altom Transport's request to utilize a portion of the water received under the terms of its Water Service Agreement for a proposed truck wash facility to be located at 4700 New West Drive, in the Bayport Industrial District - T. Tietjens

9. **ADMINISTRATIVE REPORTS**

- Planning and Zoning Commission Meeting, Thursday, September 15, 2016
- Zoning Board of Adjustment Meeting, Thursday, September 22, 2016
- La Porte Development Corporation Board Meeting, Monday, September 26, 2016
- City Council Meeting, Monday, September 26, 2016

10. **COUNCIL COMMENTS** regarding matters appearing on the agenda; recognition of

communitymembers, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies Councilmembers Clausen, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, Earp and Mayor Rigby

11. **ADJOURN**

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.

CERTIFICATION

I certify that a copy of the September 12, 2016, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on September 6, 2016.

Patrice Fogarty



**Council Agenda Item
September 12, 2016**

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4. **PUBLIC COMMENTS** (Limited to five minutes per person.)



Council Agenda Item September 12, 2016

5. **CONSENT AGENDA** *(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)*
- (a) Consider approval or other action regarding the minutes of the meeting held on August 22, 2016 - P. Fogarty
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Councilmember District 6

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA PORTE AUGUST 22, 2016

The City Council of the City of La Porte met in a regular meeting on **Monday, August 22, 2016**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Engelken, Zemanek, Clausen, Earp, K. Martin, J. Martin, Leonard, and Kaminski. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Bryan Raney, Fairmont Park Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Chuck Engelken.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - a) Recognition – Employee of the Second Quarter – Jaree Hefner – City of La Porte Parks and Recreation Department – Mayor Rigby

Mayor Rigby recognized Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter.

5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Chuck Rosa, 812 S. Virginia, addressed Council and expressed his opposition on banning donation collection bins.

6. **CONSENT AGENDA** (*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*)
 - a) Consider approval or other action regarding minutes of the meeting held on August 8, 2016 – P. Fogarty
 - b) Consider approval or other action regarding an Ordinance changing the portion of S. 1st Street between W. Fairmont Parkway and W. H Street, from a Two-Way north and southbound traffic corridor to a One-Way traffic corridor for northbound traffic only – S. Valiante

- c) Consider approval or other action authorizing the City Manager to execute a professional services contract with Cobb, Fendley and Associates, Inc. for design, bidding, and construction phase services in connection with project for reconstructing roadway segments of Pinebluff Subdivision – S. Valiante

Regarding Consent Item B, Councilmember Leonard questioned if there are issues with the proposed Ordinance and the City has to go back to the existing Ordinance, will the City have to modify the Ordinance again. Assistant Public Works Director Don Pennell responded yes, he believes the Ordinance will have to be revised.

Regarding Consent Item C, Councilmember Earp asked who performed the evaluations on the two proposals. Assistant Public Works Director Don Pennell responded the Planning Director, Assistant Utilities Superintendent, the Planning and Development Director and himself. Councilmember Earp commented the scoring matrix looks odd and requested a copy of it.

Councilmember J. Martin made a motion to approve the Consent Agenda items pursuant to staff recommendations. Councilmember Earp seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2016-3638: AN ORDINANCE CHANGING THE PORTION OF SOUTH 1ST STREET BETWEEN WEST FAIRMONT PKWY AND WEST H STREET, FROM A TWO-WAY NORTH AND SOUTHBOUND TRAFFIC CORRIDOR TO A ONE-WAY TRAFFIC CORRIDOR FOR NORTHBOUND TRAFFIC ONLY; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN OPEN MEETINGS CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

7. AUTHORIZATIONS

- (a) Consider approval or other action regarding recommendation by the Planning and Zoning Commission to approve proposed Rules, Regulations and Bylaws of the City of La Porte Planning and Zoning Commission – E. Ensey

City Planner Eric Ensey presented a summary.

Councilmember Earp made a motion to approve the Rules, Regulations and Bylaws of the City of La Porte Planning and Zoning Commission. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

8. DISCUSSION AND POSSIBLE ACTION

- (a) Discussion and possible action regarding appointments to various City of La Porte board, committees and commissions.

City Secretary Patrice Fogarty presented a summary.

Councilmember J. Martin made a motion to reappoint listed appointees to various City of La Porte boards, committees and commissions. Those boards with no listed appointees -- Position 2 of the Buildings Codes Appeals Board, Position 2 of the La Porte Reinvestment Zone Number One and Position 2 of the La Porte Redevelopment Authority, will come back before council. Councilmember K. Martin seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

- (b) Discussion and possible action regarding evaluation and review process for the Request for Proposals for collection of delinquent tax and Municipal Court fees – Councilmembers Zemanek; Kaminski and J. Martin

Mayor Rigby advised this item is being postponed until the next meeting. No action was taken.

- (c) Discussion and possible action regarding regulation of donation collection bins in the City of La Porte – Councilmembers K. Martin; Kaminski and Zemanek

Councilmember K. Martin presented a summary.

Councilmember Zemanek made a motion to direct Staff to prepare an Ordinance to remove donation collection bins. Councilmember K. Martin seconded.

Assistant City Attorney Clark Askins informed Council there was a very recent court decision that invalidated an Ordinance in Michigan that restricted charitable donation bins and advised an Ordinance will have to be carefully structured regarding nuisances in a content neutral way.

Councilmember Zemanek withdrew his motion.

Mayor Rigby made a motion to direct Staff and the City Attorney to research regulations allowed under state law of donation collection bins. Councilmember Clausen seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

9. ADMINISTRATIVE REPORTS

There were no additional reports.

10. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

Councilmembers Engelken; Earp; Clausen; K. Martin; Kaminski; Zemanek and Mayor Rigby congratulated Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter and Councilmember J. Martin congratulated Marketing and Special Event Specialist Jaree Hefner as Employee of the Second Quarter and commented he is sorry to see her leave the City of La Porte. In addition, Councilmember J. Martin commented the Fairmont Water Tower painting is not very visible.

11. EXECUTIVE SESSION – The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

Texas Government Code, Section 551.072 – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss acquisition of real property in connection with Phase II of F216 Drainage Improvement.

Texas Government Code, Section 551.074 – Personnel Matters: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Corby Alexander, City Manager.

City Council recessed the regular Council meeting to convene the first executive session at 6:43 p.m. regarding the **Texas Government Code, Section 551.072** – Deliberation regarding Real Property: Meet with City Manager and City Attorney to discuss acquisition of real property in connection with Phase II of F216 Drainage Improvement.

City Council recessed the regular Council meeting to convene the second executive session at 7:17 p.m. regarding the **Texas Government Code, Section 551.074** – Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Corby Alexander, City Manager.

- 12. RECONVENE** into regular session and consider action, if any on item(s) discussed in executive session.

City Council reconvened from the first executive session regarding GC 551.072 into the regular Council meeting at 7:17 p.m.

Regarding the discussion acquisition of real property in connection with Phase II of F216 Drainage Improvement, Councilmember Clausen made a motion to authorize the City to execute a purchase contract for Parcels 1-7 and continue negotiations for Parcel 8. Councilmember K. Martin seconded. **MOTION PASSED 9/0.**

City Council reconvened from the second executive session regarding GC 551.074 into the regular Council meeting at 8:13 p.m.

Regarding the deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Corby Alexander, City Manager. Councilmember Engelken made a motion to increase the City Manager Corby Alexander's contract by 2 percent retroactive to July 6, 2016. Councilmember Clausen seconded. **MOTION PASSED 9/0.**

- 13. ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 8:13 p.m. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on September 12, 2016.

Mayor Louis R. Rigby

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	September 12, 2016	Appropriation	
Requested By:	Rosalyn Epting	Source of Funds:	015
Department:	Parks & Recreation	Account Number:	015.9892.692.1100
Report: <input checked="" type="radio"/>	Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted:	\$154,239.00
Other: <input type="radio"/>		Amount Requested:	\$151,279.60
Attachments :		Budgeted Item:	<input checked="" type="radio"/> YES <input type="radio"/> NO

- 1. Bid Tabulation**
- 2. Access Report**
- 3. Site Photos**

SUMMARY & RECOMMENDATIONS

The City budgeted \$550,000 for a new splash park at Fairmont Park. After the project was completed, there was \$154,239 available in the account balance. There have been many complaints about the condition of the parking lot at this location. With the increased usage by Splash Park users, the condition has only worsened. Staff has tried to patch the holes, but to no avail as the damage is too extensive.

Sealed Bid #16019 for the Fairmont Parking Lot was advertised in the Bay Area Observer, posted on Public Purchase and the City's website. Three bids were received. The bid tabulation and access report are attached as exhibits.

The low bidder was Aztec Remodeling and Landscaping at \$144,079.60. Per staff, Aztec has completed satisfactory work for the City in the past.

Staff is requesting Council approval to use the remaining funds and approve the bid for \$144,079.60 plus a 5% contingency of \$7,200.00, totaling \$151,279.60.

Action Required of Council:

Consider approval or other action authorizing the City Manager to enter into a construction contract for Bid 16019 with Aztec Remodeling and Landscaping for the replacement of the parking lot near on the northwest corner of the park in an amount of \$144,079.60 plus a 5% construction contingency of \$7,200.00, for total project funding allocation equal to \$151,279.60.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

BID TABULATION
BID 16019 FAIRMONT PARKING LOT

Bid Opening: July 19, 2016			Aztec Remodeling and Landscaping		Taylor and Taylor Construction		Forde Construction	
Base Bid Items	Estimated Quantity	Unit of Measure	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1. Mobilization	1	LS	\$10,000.00	\$10,000.00	\$1,500.00	\$1,500.00	\$44,500.00	\$44,500.00
2. Remove and Dispose of Asphalt Surface w/ Base-11" Depth	2520	SY	\$16.00	\$40,320.00	\$12.15	\$30,618.00	\$17.00	\$42,840.00
3. Lime Stabilization-6" Depth	2070	SY	\$1.78	\$3,684.60	\$8.83	\$18,278.10	\$13.00	\$26,910.00
4. Lime	60	Ton	\$175.00	\$10,500.00	\$150.00	\$9,000.00	\$184.00	\$11,040.00
5. 8" Recycled Crushed Concrete Base	965	Ton	\$36.00	\$34,740.00	\$63.00	\$60,795.00	\$75.00	\$72,375.00
6. 3" HMAc, Type D Asphalt	385	Ton	\$95.00	\$36,575.00	\$266.00	\$102,410.00	\$110.00	\$42,350.00
7. Concrete Sidewalk-4.5" Depth	80	SF	\$7.00	\$560.00	\$30.00	\$2,400.00	\$54.00	\$4,320.00
8. Thermoplastic Pavement Markings	1	LS	\$1,500.00	\$1,500.00	\$3,590.90	\$3,590.90	\$1,300.00	\$1,300.00
9. Signage, Complete -in-place	1	LS	\$500.00	\$500.00	\$1,060.00	\$1,060.00	\$475.00	\$475.00
10. Move and reset curb stops	56	EA	\$25.00	\$1,400.00	\$35.00	\$1,960.00	\$38.00	\$2,128.00
11. New curb stops	56	EA	\$50.00	\$2,800.00	\$85.00	\$4,760.00	\$70.00	\$3,920.00
12. Sodding	250	SY	\$4.00	\$1,000.00	\$12.00	\$3,000.00	\$7.00	\$1,750.00
13. Silt Fence Protection, as needed	1	LS	\$500.00	\$500.00	\$2,600.00	\$2,600.00	\$1,000.00	\$1,000.00
TOTAL BASE BID			\$144,079.60		\$241,972.00		\$254,908.00	

Access Report

Agency

Bid Number

Bid Title

City of La Porte (TX)

16019

Fairmont Parking Lot

Vendor Name	Accessed First Time	Documents
BidClerk	2016-07-01 01:52 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Hayden Paving, Inc.	2016-06-30 03:21 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Bynum Enterprises Inc	2016-07-12 12:06 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Perkens WS Corporation	2016-07-04 01:34 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
CMD Group	2016-07-01 04:30 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
IMS	2016-07-01 11:56 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
North America Procurement Council	2016-07-04 08:33 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
CMD	2016-07-05 11:04 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Teamwork Cnstruction	2016-06-30 02:13 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
aztec remodeling &landscaping company	2016-07-05 02:15 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Onvia	2016-06-30 03:20 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Dale Dobbins	2016-07-13 12:09 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Taylor & Taylor Construction	2016-07-05 10:27 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
A&R Interests Inc.	2016-07-07 09:22 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Hearn Company	2016-06-30 02:44 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
GW Phillips Construction, INC.	2016-06-30 08:28 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
Forde Construction Company	2016-06-30 01:46 PM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf
AAA Asphalt Paving Inc	2016-07-01 07:36 AM CDT	Bid 16019 Fairmont Parking Lot. COMPLETE SIGNED.pdf







REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 12, 2016</u>	<u>Appropriation</u>
Requested By: <u>Alex Osmond</u>	Source of Funds: _____
Department: <u>Golf Course</u>	Account Number: _____
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. **Marked Version Ordinance**
- 2. **Clean Version Ordinance**

SUMMARY & RECOMMENDATIONS

During the budget workshop retreat, Staff presented some recommended non-resident fee changes for Bay Forest Golf Course. These changes would realize approximately \$40,000 in additional revenue, assuming play remains steady from previous year averages. The proposed fees were included in the budget revenue projections that were workshopped on August 15 and 16, 2016.

Staff recommends changing the fees as presented in the ordinance attached. The new fees would go into in effect October 1, 2016.

Action Required of Council:

Consider approval or other action of an ordinance amending Chapter 50 Appendix-A "Fees" of the Code Of Ordinances of the City of La Porte, by adjusting various Green User Fees for the golf course.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 “PARKS AND RECREATION” – APPENDIX – A “FEES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Appendix – A “Fees”, Chapter 50, “Parks and Recreation,” Article II “Golf Course”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

<i>Article II. Golf Course</i>			
(a)	User fees for golf carts (regular rate)		<u>50-31(a)</u>
(1)	<u>18</u> holes, double		26.00
(2)	Nine holes, double		16.00
(3)	Nine holes, single		11.00
(4)	<u>18</u> holes, single		16.00
(b)	User fees for golf carts (senior rate)		<u>50-31(a)</u>
(1)	<u>18</u> holes, single or double		20.00
(2)	Nine holes, single or double		14.00
(c)	Green user fees		<u>50-31(b)</u>
(1)	Weekday fees (Monday through Thursday, excluding holidays)		
	a.	Resident	17.00
	b.	Nonresident	20.00

	c.	Twilight	14.50	
(2)		Weekend fees (in effect 11:00AM Friday through Sunday, and holidays)		
	a.	Resident	25.00	
	b.	Nonresident	30.00 32.00	
	c.	Twilight	17.00	
(3)		Senior fees 60 years of age or older (weekdays only excluding holidays before 11:00 a.m.) (Monday through Thursday and before 11:00AM Friday, excluding holidays)		
	a.	Resident senior citizens	11.50	
	b.	Nonresident senior citizens	14.50	
(4)		Junior fees, 17 years of age or younger		
	a.	Monday through Friday	13.00	
	b.	Saturday, Sunday, and holidays	18.00	
(5)		Friday fees before 11:00AM		
	a.	Resident	17.00	
	b.	Resident Senior	11.50	
	c.	Non-Resident	27.00	
	d.	Non-Resident Senior	21.00	
(d)		User fees for annual membership holders		50-32
(1)		Residents		
	a.	Cash	1,150.00	

	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$62.09 each, including interest at the rate of ten percent per annum, for a total of \$1,182.99 for the year		
(2)		Resident senior citizens		
	a.	Cash	950.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$42.98 each, including interest at the rate of ten percent per annum, for a total of \$972.78 for the year.		
(3)		Nonresidents		
	a.	Cash	1,300.00 1400.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$76.41 90.00 each, including interest at the rate of ten percent per annum, for a total of \$1,340.51 \$1490 for the year.		
(4)		City of La Porte employees (full time and part time)		
	a.	Cash	950.00	
	b.	Payment plan, the sum of \$37.00 will be deducted from each employee paycheck, based on 26 paychecks per year.		
(5)		Family membership (resident):		
	a.	Cash-lump sum	800.00	
	b.	User fee per player (each time they play)	5.00	
(6)		Family membership (nonresident):		
	a.	Cash-lump sum	1,000.00	
	b.	User fee per player (each time they play)	5.00	
(7)		The golf course manager shall have the authority to market the golf course by using various promotions, such as daily, hourly, and/or price specials, and other promotions which he may deem desirable to enhance revenue at the Bay Forest Golf Course.		

Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 "PARKS AND RECREATION" – APPENDIX – A "FEES" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY ADJUSTING VARIOUS GREEN USER FEES; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Appendix – A "Fees", Chapter 50, "Parks and Recreation," Article II "Golf Course", of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

<i>Article II. Golf Course</i>				
(a)	User fees for golf carts (regular rate)			<u>50-31(a)</u>
(1)	18 holes, double		26.00	
(2)	Nine holes, double		16.00	
(3)	Nine holes, single		11.00	
(4)	18 holes, single		16.00	
(b)	User fees for golf carts (senior rate)			<u>50-31(a)</u>
(1)	18 holes, single or double		20.00	
(2)	Nine holes, single or double		14.00	
(c)	Green user fees			<u>50-31(b)</u>
(1)	Weekday fees (Monday through Thursday, excluding holidays)			
	a.	Resident	17.00	

	b.	Nonresident	20.00	
	c.	Twilight	14.50	
(2)		Weekend fees (in effect 11:00AM Friday through Sunday, and holidays)		
	a.	Resident	25.00	
	b.	Nonresident	32.00	
	c.	Twilight	17.00	
(3)		Senior fees 60 years of age or older (Monday through Thursday and before 11:00AM Friday, excluding holidays)		
	a.	Resident senior citizens	11.50	
	b.	Nonresident senior citizens	14.50	
(4)		Junior fees, 17 years of age or younger		
	a.	Monday through Friday	13.00	
	b.	Saturday, Sunday, and holidays	18.00	
(5)		Friday fees before 11:00AM		
	a.	Resident	17.00	
	b.	Resident Senior	11.50	
	c.	Non-Resident	27.00	
	d.	Non-Resident Senior	21.00	
(d)		User fees for annual membership holders		50-32
(1)		Residents		

	a.	Cash	1,150.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$62.09 each, including interest at the rate of ten percent per annum, for a total of \$1,182.99 for the year		
(2)		Resident senior citizens		
	a.	Cash	950.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$42.98 each, including interest at the rate of ten percent per annum, for a total of \$972.78 for the year.		
(3)		Nonresidents		
	a.	Cash	1400.00	
	b.	Payment plan, \$500.00 down, and 11 monthly payments of \$90.00 each, including interest at the rate of ten percent per annum, for a total of \$1490.00 for the year.		
(4)		City of La Porte employees (full time and part time)		
	a.	Cash	950.00	
	b.	Payment plan, the sum of \$37.00 will be deducted from each employee paycheck, based on 26 paychecks per year.		
(5)		Family membership (resident):		
	a.	Cash-lump sum	800.00	
	b.	User fee per player (each time they play)	5.00	
(6)		Family membership (nonresident):		
	a.	Cash-lump sum	1,000.00	
	b.	User fee per player (each time they play)	5.00	

(7)	The golf course manager shall have the authority to market the golf course by using various promotions, such as daily, hourly, and/or price specials, and other promotions which he may deem desirable to enhance revenue at the Bay Forest Golf Course.	
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Section 2: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 3: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF LA PORTE, TEXAS

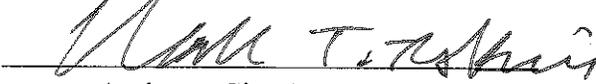
By: _____

Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:


Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: Matt Hartleib Source of Funds: _____
Department: Human Resources Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Base Agreement
2. 2014 Amendment
3. Proposed amendment extending term
4. Proposed Market Based Wage Scale

SUMMARY & RECOMMENDATIONS

Management representatives of the City of La Porte and the La Porte Police Officers' Association have voluntarily met and reached agreement on the conditions of employment as set out in the attached agreement pursuant to the provisions of the Texas Local Government Code, Chapter 142 et. seq., Subsection B. The attached amendment to the existing agreement has been voted on and approved by the membership of the La Porte Police Officers Association and is now being presented to City Council for consideration and approval.

This amendment would take effect on October 1, 2016 and run through September 30, 2017. The amendment extends the duration of the base agreement and previous amendment retaining provisions that allow the department to hire lateral transfers and provides for a pay for performance wage system, physical fitness requirements/incentives, minimum educational requirements, and a compensatory time program.

In addition to the extension of the existing terms of the agreement, an adjustment of Police Officer wages to meet the determined current median market salary rate for similarly structured regional cities is proposed and agreed upon by both the La Porte Police Officers' Association and management representatives of the City of La Porte. The proposed new wage scale is attached.

Action Required of Council:

Consider approval or other action of an Amendment to the Meet and Confer Agreement between the City of La Porte and the La Porte Police Officers' Association to extend the term of the base agreement and existing amendments to September 30, 2017.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Meet and Confer Agreement
Between
The City of La Porte
And
The La Porte Police Officers' Association

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Definitions

For the purposes of this agreement, the following definitions shall apply:

- A) "Accredited College or University" means one that is listed by an accrediting agency approved by the United States Department of Education, and as of result of that accreditation, offers courses that are "accredited"
- B) "Chief" means the Chief of Police of the La Porte Police Department or his designee.
- C) "City" means the City of La Porte, Texas.
- D) "Coveted position" as used in this Agreement means any position in the Department to which more than one sworn employee has expressed an interest in being assigned by the Chief.
- E) "Department" means the La Porte Police Department.
- F) "Employee" means a sworn Police Officer who is a member of the bargaining unit.
- G) "Employer" means the City of La Porte.
- H) "Officer" means any sworn Police Officer who is a covered by this Agreement.
- I) "Association" means the La Porte Police Officers' Association
- J) "TCLEOSE" means the Texas Commission on Law Enforcement Officers Standards and Education.
- K) "TLGC" means the Texas Local Government Code.

Unless otherwise stated, it is understood and mutually agreed that masculine and feminine pronouns refer to, and include, both genders equally.

Article I

Authority and Recognition

- 1) The City of La Porte and the La Porte Police Officers' Association have voluntarily met and reached agreement on the conditions set out in this agreement pursuant to the provisions of the Texas Local Government Code, Chapter 142 et. seq., Subsection B. To the extent that this Agreement is in conflict with or changes Chapter 143, TLGC or any other statute, executive order, local ordinance, or rule, this Agreement shall supersede such provision, as authorized by Section 142.067 of the TLGC.

- 2) The City recognizes the La Porte Police Officers' Association as the sole and exclusive bargaining agent for all non-probationary Police Officers in the La Porte Police Department, excluding the Chief of Police and the Assistant Chiefs of Police.

Article II

Hiring Preemptions

- 1) In adopting this Agreement, the parties recognize the need for more flexibility in the hiring process to meet the needs of the Department and believe it improves the selection process by allowing for the lateral hiring of experienced Police Officers, Certified Texas State Peace Officers, and/or otherwise qualified mature applicants.

- 2) Effective with the ratification of this Agreement, the City shall be allowed to fill vacancies in the entry level Police Officer classification by hiring experienced police officers and/or peace officers certified by TCLEOSE without requiring these applicants to take a civil service exam. An applicant hired pursuant to this Article may be appointed directly to a pay grade/step commensurate with his/her level of experience; however applicants hired in this manner shall not receive any sort of longevity or seniority relating to promotional eligibility, shift bidding, pay or other privileges of employment. Once a newly-hired Police Officer is placed in the appropriate pay grade/step, the Officer shall progress through the remaining steps of the pay scale on each anniversary date, so long as all eligibility requirements contained in this Agreement are met.

To qualify for the lateral entry program, applicants must pass a physical fitness exam, a comprehensive background investigation, to include psychological, polygraph, medical exam, drug screening and a 12 month probationary period. Applicants must additionally meet the following criteria:

Education and Experience: Graduation from an accredited Police Academy.

Licenses and Certificates: Possess a Basic Peace Officer license issued by TCLEOSE by the time of appointment.

- 3) Police Officers hired pursuant to this Article shall be compensated according to his or her total number of years of full time experience in law enforcement, up to a maximum of seven (7) years. The Chief of Police shall make the final determination of whether an applicant meets the criteria of the Lateral Entry Program, and his decision shall be final and non-appealable to the Civil Service Commission or to any court. No rank will transfer.
- 4) Specifically, this Article preempts, to the extent of any conflict, all contrary State statutes, local ordinances, executive orders or civil service provisions as they relate to the hiring of the classification of Police Officer. More specifically, this Article pre-empts TLGC, Section 143.023 (c), and permits the Department to hire persons 45 years of age and above, provided that the person has five (5) years of cumulative active military service, or five (5) years of continuous service as a certified peace officer in the State of Texas by the estimated date of hire and can meet all other hiring criteria required for employment as a Police Officer with the City of La Porte. A person is not eligible to apply for a position as a Police Officer in the Department unless the person will be at least 21 years of age at the time of commission and meets minimum eligibility requirements for a Police officer as outlined in local civil service and TCLEOSE rules.
- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. In addition to the pre-emption noted in Subsection 4 above, this Article also pre-empts Sections 143.024, 143.025, and 143.026 of the Texas Local Government Code.

Article III

Wages

- 1) The City of La Porte and the La Porte Police Officers' Association hereto agree that a "market approach" philosophy has been used as a guideline to determine appropriate wage scales for Officers of the Department. The definition of "market" is the median salary for each pay grade for the Cities surveyed. In implementing this approach, the parties agreed to compare wage rates with Police Officers in comparative cities within the region. The parties agree that Police Officers covered by this Agreement shall be compensated at the salary rates included in Attachment "A", which is incorporated into this Agreement. Except as provided in Article III, Section 4, the wage scale shall be effective upon ratification by the Association and the City Council and remain in effect until September 30, 2014.
- 2) The City and Association further agree that the aforementioned market survey will be renewed in April of each year during the term of this Agreement and that median level salary rates for Police Officers covered in this Agreement shall be revised to reflect the current market, as determined from the results of the market survey. Any annual increase will reflect the market survey up to, but not to exceed, 3% of the collective salary budget for police officers as compared to the immediately preceding fiscal year. Additionally, effective starting in year two of this Agreement (October 1, 2014) the City agrees to compress the pay scale for the rank of Lieutenant from its current 0 – 10 to 0 – 3 steps and implement an additional 20-year (CS1-20) step, which shall be 75 cents more per hour than the 15-year (CS1-15) step. It is agreed that officers must serve 15 full years before being eligible to receive the CS1-15 step and 20 full years before being eligible to receive the CS1-20 step.
- 3) Once proposed pay scales have been created by the City Finance and Human Resources Departments each April, the City and Association

bargaining team members will meet to review the proposed pay scales revisions and ensure that same are accurate. Once agreed upon, the new rates will take effect on October 1st of each year, i.e. October 1, 2014, for the life of this Agreement subject to the approval of City Council and the Association.

- 4) Employees shall receive step increases on the anniversary of their appointment to their current rank. If an employee receives a less than satisfactory performance evaluation (anything below a 3), the employee will not receive a pay increase of any type (including lump sum payments referenced in Article III Subsection (4) and the current step increase will be held until the employee earns a satisfactory evaluation (3 or above). Once the employee's performance evaluation has been improved to a satisfactory rating, the employee shall be placed at the then-current step for his/her time in grade. If an employee receives an "exceptional" evaluation (above a 4), the employee will be moved up two steps on his/her anniversary date. Upon receiving the next evaluation, that employee shall be placed at the then-current step for his/her time in grade. This Section will not apply to any cost of living raises or pay scale adjustments.

- 5) If an employee receives a less than satisfactory performance evaluation, as outlined in this Article, the employee may appeal the performance evaluation according to the following process:
 - A) All performance evaluation appeals shall be submitted by the affected employee to the Chief of Police in writing within seven (7) calendar days from the date that the employee receives the evaluation.

 - B) The Chief of Police shall render a written decision to the affected employee within seven (7) calendar days of the date the appeal was received by the Chief of Police.

- C) If the Chief of Police upholds the performance evaluation, the employee may submit such evaluation appeal to the City Manager. Such appeal must be filed within seven (7) calendar days of the date the Chief of Police rendered or should have rendered a written decision.
 - D) The City Manager shall render a written decision to the affected employee within seven (7) calendar days of the date the employee filed the appeal with the City manager.
 - E) If the appeal remains unresolved, the employee or his/her representative may file the appeal to the civil service commission. The commission shall hear the appeal at their next regular scheduled civil service meeting. The City of La Porte and the affected employee or his/her representative may present witnesses, evidence and other relevant information to the civil service commission. The civil service commission shall render a decision as to the validity of the performance evaluation and such decision shall be final and binding upon all parties.
 - F) The time limitations described herein may be waived by mutual agreement in writing by the City of La Porte and the affected employee.
 - G) It is the intent of all parties subject to this agreement that any aforementioned evaluation appeal be resolved at the lowest level possible.
- 6) Employees who have reached the last step of the wage scale and who have received a "satisfactory" performance evaluation of 3 or above shall be paid a lump sum of one thousand dollars (\$1,000.00) each year on the anniversary of appointment to their current rank. Employees who have reached the last step of the wage scale and who have received an "exceptional" evaluation (above a 4), shall be paid an additional one

thousand dollar (\$1,000) bonus, for a total lump sum payment of two thousand dollars (\$2,000), on the anniversary of appointment to their current rank. As is the case with other exceptional employees receiving additional performance based wage step incentives, the additional bonus provided to employees who have already reached the last step of the wage scale will be available to the employees a maximum of once every other year.

- 7) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. This Article specifically pre-empts Sections 143.041(b) of the Texas Local Government Code.
- 8) The City and the Association agree that all provisions of the City of La Porte Emergency Pay Policy, as adopted by the La Porte City Council on July 23, 2012, shall apply to all officers covered under this Agreement.

Article IV

Incentive Pay

- 1) The City shall pay each employee holding a Masters Certificate granted by TCLEOSE the sum of \$150.00 per month. The City shall pay each employee holding an Advanced Certificate granted by TCLEOSE the sum of \$125.00 per month. The City shall pay each employee holding an Intermediate certificate granted by TCLEOSE the sum of \$100.00 per month.
- 2) The City shall pay each employee holding a Masters Degree obtained from an accredited university the sum of \$150.00 per month. The City shall pay each employee holding a Bachelors Degree obtained from an accredited university the sum of \$125.00 per month. The City shall pay each employee holding an Associate Degree obtained from an accredited university the sum of \$100.00 per month.
- 3) In an effort to encourage Police Officers to continue their college education, effective with the signing of this agreement, Police Officers are entitled to receive both certificate and educational incentive pay, up to a maximum of three hundred (\$300.00) per month. Employees shall not be permitted to earn monthly incentive pay for more than one TCLEOSE certificate and/or for more than one college degree.
- 4) To ensure that records are accurate and incentive pay is issued in a timely manner, Police Officers are solely responsible for reporting and providing proper documentation to the Chief of Police or his/her designee to show that the Police Officer has completed training and/or education outside the Department. Police Officers are not entitled to retroactive incentive pay. Incentive pay shall begin at the beginning of the next pay period after the date on which the Police Officer provides proof of certification and/or receipt of a college degree in accordance with this Article.

- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.044(b) and (c).

Article V

Education

- 1) In order to be eligible for voluntary transfer into a coveted position, as that term is defined in this Agreement, within the Police Department, all Officers hired after 13 July 2009 must have completed a minimum of 20 college hours from an accredited college or university.
- 2) Except as provided in Section 3 below, in order to be eligible to participate in promotional examinations for Sergeant or Lieutenant, Officers must have completed a minimum of 60 college hours from an accredited college or university or have a combination of a minimum of 20 college hours from an accredited college or university and 40 TCLEOSE training credits calculated at the rate of 20 training hours equal to 1 training credit, for a total of 60 hours.
- 3) The 60 hour college requirement established in Section 2 above shall be waived for officers wishing to take the promotional examination for Sergeant if the officer is able to provide appropriate evidence, namely a federal form DD214, showing that they honorably served four (4) or more full years in one or more branches of the U.S. military.
- 4) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.028(b), and 143.031.

Article VI

Promotion to the Ranks of Sergeant and Lieutenant

- 1) With the exception of the below provisions, promotions to the rank of Sergeant and Lieutenant shall be in accordance with applicable Civil Service Law as established in Texas Local Government Code Chapter 143. Each promotional candidate from the police department who receives a grade of at least 70 points on a promotional examination will be considered as having passed the examination.
- 2) Seniority points will only be added to the promotional candidate's score if the applicant scores 70 or more points on the written examination. Candidates eligible to receive seniority points will have 1 seniority point added to their test score for every full year they have served in their current classification (grade), up to a maximum of 10 seniority points. For example, Sergeants who take, and pass, the Lieutenant promotional exam will only receive seniority points for each full year they have served as a sergeant. Cut off for seniority point calculations will be the date of the candidate's written examination.
- 3) In order to be eligible to take the Sergeant's test, officers and/or detectives must have served with the La Porte Police Department at least four (4) continuous years as a commissioned peace officer preceding the date of such promotional examination.
- 4) In addition to any seniority points a promotional candidate is eligible to receive, promotional candidates who successfully pass a Sergeant or Lieutenant promotional examination and who have participated in the La Porte Police Department's Leadership Mentoring Program for at least six (6) full months prior to the date of the promotional examination, shall have an additional 2.5 points added to their written exam score.
- 5) Police Officers promoted to Sergeant and Lieutenant must serve a probationary period within the new classification. The probationary period

is completed following six (6) months of continuous service in the new classification. Should a police officer fail to successfully complete their probationary period, they shall be returned to the rank they held immediately prior to the promotion.

6) In accordance with applicable Civil Service Law as established in Texas Local Government Code Chapter 143, Section 143.035, an alternative promotional testing system may be used. The City and the Association agree that an alternative promotional testing system will only be used if it is (1) proposed by the Chief prior to a promotional test notification from the City AND (2) accepted by a majority of the candidates for promotion who submit the required letter of interest in participating in the promotional process. This process must be repeated with each promotional test the City intends to administer and shall not carry over from one promotional test to the other. If an Assessment Center is selected as part of the alternative testing system, it shall be administered following the below procedures:

A) Positions in the rank of Sergeants and Lieutenants shall be filled from an eligibility list created by a promotional procedure consisting of a written examination and an Assessment Center conducted in accordance with this Agreement.

B) Officers who pass the Sergeant's or Lieutenant's written promotional examination with a score of seventy percent (70%) or higher will proceed to the next step of the examination process, which is an Assessment Center.

C) The score for the Written Examination and the Assessment Center shall be between 0 and 100 points each. As such, after the Assessment Center scoring has been completed for the rank of Sergeant and/or Lieutenant, the eligibility list shall be calculated as follows:

- | | |
|-----------------------------|----------------|
| 1. Written examination | 0- 100 points |
| 2. Assessment Center | 0- 100 points |
| 3. Seniority Points | 2 – 10 points |
| 4. LMP Participation Points | 0 – 2.5 points |

- D) Prior to the written test being administered, the Human Resources Department will generate a list of potential assessment center consultants. The Chief shall then appoint two (2) members to serve on an Assessment Center Review Committee (ACRC). The ASSOCIATION shall also select two (2) individuals to serve on the ACRC. ACRC members must not be officers who are participating in any of the current year's promotional examinations. Consulting with the Chief and other supervisors/managers of the department, ACRC members shall establish assessment criteria based on job content and responsibility. Once assessment criteria have been established, the ACRC shall meet to consider the list of consultants provided by the Human Resources Department and select the Assessment Center Consultant from the list (which may be subject to City purchasing policies and procedures).
- E) After the Assessment Center Consultant has been selected, the Consultant will orient the ACRC. The Consultant will collectively confer with both the Chief and the ACRC on the needs or issues affecting the design of the Assessment Center. Any input from the ASSOCIATION will be summarized by the ACRC and made available to anyone who requests it. The Consultant shall make all final decisions concerning the design and implementation of the Assessment Center.
- F) The Consultant designs the Assessment Center and also selects the assessors; however, all assessors must meet the following criteria:
1. Active duty or retired, sworn officers of similar rank to the one being assessed for promotion, or above, from cities with a population of 25,000 or greater;
 2. Shall not reside in La Porte or any city contiguous to La Porte;
 3. Shall not be related, by blood or marriage, to any candidates for promotion;
 4. Shall not personally know or be an acquaintance of any candidate for promotion;
 5. Shall have two (2) years of experience in the promoted or equivalent rank; and

6. Shall not be a current or former employee of the City of La Porte.

G) The assessors selected by the Consultant will assess the candidates for the rank. The assessors shall award up to one hundred (100) points to each candidate participating in the assessment center. The assessment sessions will be videotaped, and candidates may review their own session by making an appointment with the Human Resources Department during normal business hours. Examination reviews will be conducted on the officer's off-duty time and copies of the videotapes will not be distributed. Except for specific violations of any of the aforementioned criteria, or as provided by law, assessment center scores shall be deemed final and are not subject to appeal.

Article VII

Physical Fitness

- 1) Officers hired after 13 July 2009, shall be required to pass an annual physical fitness assessment in order to be eligible for voluntary transfer to a coveted position, as defined in this Agreement, or to participate in promotional exams. The physical fitness assessment will be the same as the assessment required by the City of La Porte Civil Service Rule for Police applicants.
- 2) All Police Officers employed by the La Porte Police Department are encouraged to voluntarily participate in a quarterly physical fitness assessment. The physical fitness assessment will be the same as the assessment required by the City of La Porte Civil Service Rule for police applicants. Employees may, at their option, instead choose to voluntarily participate in the general City-employee wellness program.
- 3) Employees participating in Police Department's physical fitness program or the City's general employee wellness program shall not be paid for time spent preparing for assessments, personal conditioning, or engaging in any work-out related activities. When on-duty, police officers will, however, be allowed to participate in quarterly assessments during their work hours. Under no circumstances will participating Police Officers be eligible to simultaneously receive the cash bonus under both the general City-employee wellness program and the Police Department's physical fitness program.
- 4) All Police Officers who pass the physical fitness assessment will be authorized to wear a special "physical fitness award ribbon" on their uniform and will receive a physical fitness cash bonus of \$250.00 for each quarterly physical fitness assessment successfully passed to be paid at the

end of the calendar year. At no time shall such fitness bonus exceed \$1000.00 annually.

- 5) To the extent that any of these provisions differ from Chapter 143 of the Texas Local Government Code, this Article supersedes and pre-empts those provisions as permitted by Chapter 142.067 of the Texas Local Government Code. Specifically, this Article pre-empts Section 143.044(d).

Article VIII

Compensatory Time

- 1) All sworn Police Officers shall be eligible to accumulate and accrue compensatory time at a rate of time and one-half the hours actually worked, up to a maximum of 40 hours. All compensatory time provisions of the Fair Labor Standards Act shall be adhered to by the City of La Porte and the Police Officers covered under this agreement.

- 2) As with other forms of leave, compensatory time may be accrued and taken only after the employee submits a written request and receives approval by his or her immediate supervisor. Compensatory time off shall be granted at the sole discretion of the Department, and will not be granted if overtime is required to achieve minimum staffing levels. The City may opt to pay employees for accrued compensatory time at any time.

Article IX

Association Leave

- 1) Except as provided for under Section 2 below, during the term of this Agreement, each year on or before December 31 the City shall assess from each Association member two (2) hours of accrued vacation leave time to be placed in an Association business leave pool. Association members, with the approval of the Association Board of Directors, shall be allowed to debit the pool during the calendar year when attending to Association related business, including, but not limited to, time spent representing the Association at meetings or events; representing members at disciplinary hearings, grievances or on other job-related matters; attending seminars or training programs; and attending to business associated with the "meet and confer" process.

- 2) Any Association member shall have the option to opt out of participating in the Association Leave Pool and avoid the aforementioned vacation leave assessment by notifying the Human Resources Department prior to January 1st of any applicable year, during the term of this Agreement. Such notice shall be in writing and the Human Resources Department shall thereafter send a copy of it said notice to the Association within thirty (30) days. Should any officer willingly and voluntarily give or provide additional minutes of credited leave time to the pool, he/she may do so by delivering by proving written notice to the Human Resources Department, who then will furnish a copy of same to the Association within thirty (30) days. The Human Resources Department shall provide the Association with a statement as to the leave balance in this pool every ninety (90) days.

- 3) The Association shall request Association Leave off for eligible members at least forty-eight (48) hours in advance, by delivering written notice to the Chief. Association Leave shall be viewed the same as requests for regular

vacation and will be subject to supervisory approval, with staffing and other considerations taken into account. As with all other forms of leave, if the Chief of Police deems it necessary, he/she may order Association members on Association Leave to immediately report back to work.

- 4) The pool shall be cumulative during the term of this Agreement. The City is only required to make an individual assessment from Association members who have at least two (2) hours of accrued vacation time at the time the City makes the assessment.
- 5) The Chief will consider requests for additional time off without pay to attend to other Association business. Any such request shall be in writing and delivered to the Chief at least forty-eight (48) hours in advance of the requested leave.

Article X

Grievance Procedure

- 1) The purpose of this grievance procedure is to establish effective machinery for the fair, expeditious and orderly adjustment of grievances. A grievance involving the interpretation, application or enforcement of a specific clause of this agreement by one or more employees shall be brought to the attention of the Association Grievance Committee in writing within fifteen (15) calendar days of when the employee knew or should have known of the occurrence or occurrences that gave rise to the grievance. The Association may bring a grievance that is an on-going practice by the City which affects the bargaining unit as a whole "Class Action" within fifteen (15) calendar days of when the Association knew or should have known of the grievance.

Within fifteen (15) calendar days of the receipt of the grievance, the grievance committee shall determine if a valid grievance exists. If, in the opinion of the Association Grievance Committee, no grievance exists or the Association denies the grievance, the Association Grievance Committee shall notify the employee. If the Association Grievance Committee accepts the grievance, the Association shall, within seven (7) calendar days of accepting the grievance, present written notice of the grievance to the Chief of Police.

- 2) The Chief of Police shall render a written decision to the Association Grievance Committee within seven (7) calendar days of the date the Association Grievance Committee filed such grievance with the Chief of Police.
- 3) If the grievance remains unresolved, the Association Grievance Committee or its representative may submit said grievance to the office of the City Manager. Said grievance, if submitted, must be filed within seven (7)

calendar days of the date the Chief of Police rendered or should have rendered a written decision.

- 4) The City Manager shall render a written decision within seven (7) calendar days of the date the Association Grievance Committee filed said grievance with the City Manager.
- 5) If the grievance remains unresolved, the Association Grievance Committee or its representative may request that the grievance be submitted for grievance mediation through an independent third-party such as the Federal Mediation and Conciliation Services (FMCS). The parties hereto agree that any fees and expenses associated with mediation shall be shared equally by the submitting Police Officer and by the City. The costs of a witness are paid by the party who calls the witness. The costs of an attorney are paid by the party that retains the attorney's services.
- 6) If the grievance remains unresolved following mediation, the Association Grievance Committee or its representatives may the request that the grievance be submitted to arbitration, said request must be submitted in writing to the office of the City manager within seven (7) calendar days from the date an official impasse is declared relating to mediation.
- 7) Either party may request the Federal Mediation and Conciliation Services (FMCS) or American Arbitration Association (AAA) to provide a list of arbitrators in accordance with its selection rules. Either party shall have the right to reject the list submitted by FMCS or AAA. In that event, the FMCS or AAA will be requested to submit another list. The Parties shall select an arbitrator from the list. The parties, by mutual agreement, may select to use AAA expedited rules.
 - A) The powers of the arbitrator shall be limited as follows:
 - 1) He shall have no power to add, to subtract from, or modify any of the terms of this agreement.

- 2) The arbitrator shall deal only with the grievances that occasioned the arbitrator's appointment.
 - 3) The decision of the arbitrator, if within the scope of the arbitrator's authority, shall be final and binding upon the parties.
 - 4) The arbitrator shall be empowered to determine whether an issue is subject to arbitration pursuant to this agreement.
- 8) The parties hereto agree that the Arbitrator's fees and expenses are shared equally by the appealing Police Officer and by the City. The costs of a witness are paid by the party who calls the witness. The costs of an attorney are paid by the party that retains the attorney's services.
- 9) A grievance not filed within any of the time limitations specified herein shall not be considered timely and shall be void. The time limitations described herein may be waived by mutual agreement in writing by the Association Grievance Committee and the appropriate management official.

Article XI

Duration

- 1) The provisions covered under this agreement will be effective upon ratification by the La Porte Police Officers' Association and approval by the La Porte City Council, in accordance with Chapter 142 of the Texas Local Government Code. This Agreement shall expire at midnight September 30, 2016. In the event that a new Agreement has not been reached by that date, the parties may mutually agree to extend this Agreement.

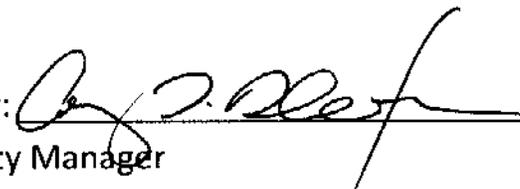
- 2) The City of La Porte and the La Porte Police Officers' Association shall begin the "meet and confer" process no later than May 1, 2016, unless the parties mutually agree in writing to defer the start of the process to a later date.

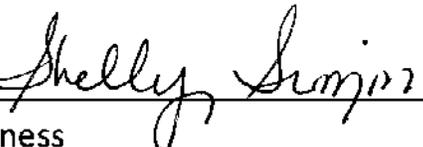
Agreement to be signed by its Association President, by order of its membership, and the City of La Porte has caused this agreement to be signed by its City Manager on the 24 day of June, 2013.

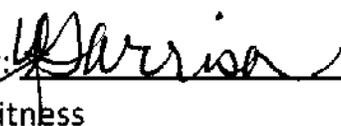
**La Porte Police Officers'
Association**

City of La Porte, Texas

By: 
President

By: 
City Manager

By: 
Witness

By: 
Witness

ATTACHMENT "A"

**LPPD Civil Service Pay Scale
(Effective October 1, 2013)**

Police Officer	CS1	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15
		0	1	2	3	4	5	6	7	8	9	10	11	12	15
		22.55	23.29	24.03	24.77	25.51	26.25	26.99	27.73	28.47	29.21	29.95	30.69	31.42	32.17

Sergeant	CS2	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
		0	1	2	3	4	5	6
		32.36	33.19	34.02	34.85	35.68	36.51	37.32

Lieutenant	CS3	CS3-0	CS3-1	CS3-2	CS3-3	CS3-4	CS3-5	CS3-6	CS3-7	CS3-8	CS3-9	CS3-10
		0	1	2	3	4	5	6	7	8	9	10
		38.44	38.73	39.02	39.31	39.6	39.89	40.18	40.47	40.76	41.05	41.29

AMENDMENT TO MEET AND CONFER AGREEMENT

THIS AMENDMENT TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF LA PORTE, TEXAS AND THE LA PORTE POLICE OFFICERS' ASSOCIATION effective the 27th day of October, 2014, is by and between The La Porte Police Officers' Association and the City of La Porte, Texas, a Texas municipal corporation, collectively referred to as the "Parties" herein.

RECITALS

WHEREAS the Parties entered a Meet and Confer Agreement effective October 1, 2013 and herein referred to as the "Base Agreement" which continues in effect until its expiration date of September 30, 2016 and continues to reflect the intent and desire of Parties;

WHEREAS the Parties desire to amend the Base Agreement to add salary survey and adjusted pay scale methodology;

WHEREAS the Parties mutually intend to amend and hereby mutually agree to amend the Base Agreement as follows:

TERMS of AGREEMENT

SECTION 1. Article III "Wages", Paragraph 2 of the Base Agreement is hereby amended to read as follows:

"(2) The City and Association further agree that the aforementioned market survey will be renewed in April of each year during the term of this Agreement and that median level salary rates for Police Officers covered in this Agreement shall be revised to reflect the current market, as determined from the results of the market survey. Any annual increase will reflect the market survey up to, but not to exceed, 3% of the collective salary budget for police officers as compared to the immediately preceding fiscal year. Additionally, effective starting in year two of this Agreement (October 1, 2014) the City agrees to compress the pay scale for the rank of Lieutenant from its current 0 – 10 to 0 – 3 steps and implement an additional 20-year (CS1-20) step, which shall be 75 cents more per hour than the 15-year (CS1-15) step. It is agreed that officers must serve 15 full years before being

eligible to receive the CS1-15 step and 20 full years before being eligible to receive the CS1-20 step.

Each year, the Association will appoint a representative to work with the City's HR Manager in conducting a salary survey from Texas City, Galveston, Baytown, League City, Pasadena, Pearland, Friendswood, Sugarland, Missouri City and Deer Park. The salary survey will reflect employee salaries as of April 1 of the current year. The Association will provide the name of their appointed representative to the City's HR Manager no later than April 1 of the current year. The City's HR Manager shall coordinate the survey, with the assistance of the City's Finance Department and the Association's appointed representative, and will have the information collected and the proposed adjusted pay scales completed and presented to the Association and City Bargaining Team members no later than May 31 of the current year. Once the above mentioned salary survey has been completed, the proposed adjusted pay scales will be created by:

- (a) Determining both the median minimum and maximum salary range for each of Police Officer, Sergeant and Lieutenant for the above ten (10) listed cities using the Median Salary Worksheet. Salaries for the City of La Porte are not included when determining the median salary ranges.
- (b) For Police Officer, the minimum median salary will be set as the new La Porte CS1-0 salary. The maximum median salary will be set as the new La Porte CS1-12 salary. CS1-0 will then be subtracted from CS1-12 and that amount will then be evenly distributed across the range. CS1-15 is then 75 cents above CS1-12 and CS1-20 is then 75 cents above CS1-15.
- (c) For Sergeant, CS2-0 is 3% above CS1-12. The maximum median is then CS2-6. Subtract CS2-0 from CS2-6, then evenly distribute across the range.
- (d) For Lieutenant, CS3-0 is 3% above CS2-6. The maximum median is then CS3-3. Subtract CS3-0 from CS3-3 and evenly distribute across the range.
- (e) The new step pay rates will be become effective on October 1 (the first day of the fiscal year following the current fiscal year), so long as

the proposed annual increase does not exceed 3% of the approved collective salary budget for police officers for the current fiscal year.

- (f) Should the new step pay rates be projected (based on the police Department's April 1 employee roster) to exceed 3% of the collective salary budget for police officers for the current fiscal year, the proposed increase for each individual step will be reduced by the same percentage in order to meet the 3% cap. This will be accomplished by first determining the percentage that the proposed collective salary budget exceeds 3% of the actual collective salary budget for the current fiscal year and then reducing each individual step by that same percentage."

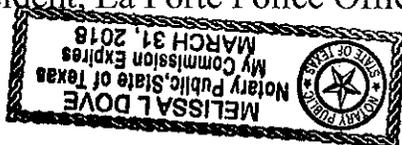
SECTION 2. Except as specifically modified and amended by Section 1 herein, all of the terms, provisions, requirements and specifications contained in the Base Agreement remain in full force and effect. The La Porte Police Officers' Association and the City of La Porte, Texas do not intend to, and the execution of this Amendment to Meet and Confer Agreement shall not, in any manner impair the Base Agreement, the purpose of this Amendment to Meet and Confer Agreement being simply to amend and ratify the Base Agreement, as hereby amended and ratified, and to confirm and carry forward the Base Agreement as hereby amended.

The foregoing instrument has been negotiated, reviewed and approved by each of the signatories indicated below:

LA PORTE POLICE OFFICERS' ASSOCIATION

Ratified by La Porte Police Officers' Association Membership on 4th day of November, 2014.

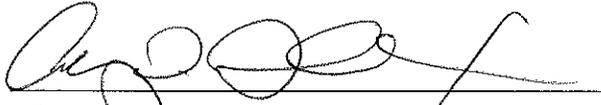
By: [Signature]
President, La Porte Police Officers' Association

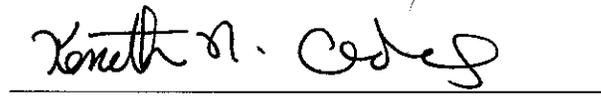


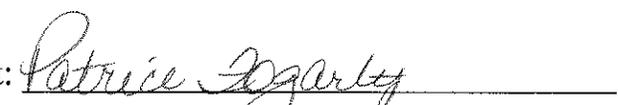
Attest: [Signature]

Secretary, La Porte Police Officers' Association
CITY OF LA PORTE, TEXAS

Approved by La Porte City Council on 27th day of October 2014.

By: 
City Manager, City of La Porte, Texas

By: 
Chief of Police, City of La Porte, Texas

Attest: 
City Secretary, City of La Porte, Texas

ATTACHMENT "A"

LPPD Civil Service Pay Scale
(Effective October 1, 2014)

Police Officer	CS1	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15	CS1-20
		0	1	2	3	4	5	6	7	8	9	10	11	12	15	20
		22.98	23.77	24.56	25.35	26.14	26.93	27.72	28.51	29.30	30.09	30.88	31.67	32.47	33.22	33.97

Sergeant	CS2	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
		0	1	2	3	4	5	6
		33.44	34.22	35.00	35.78	36.56	37.34	38.16

Lieutenant	CS3	CS3-0	CS3-1	CS3-2	CS3-3
		0	1	2	3
		39.31	40.01	40.80	41.70

Requested for
10/1/2014

20 Year Step		0.00	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	15.00	20.00		
	cs1	22.55	23.29	24.03	24.77	25.51	26.25	26.99	27.73	28.47	29.21	29.95	30.69	31.42	32.17		Current	
	PD Requested	22.98	23.77	24.56	25.35	26.14	26.93	27.72	28.51	29.30	30.09	30.88	31.67	32.47	33.22	33.97	Requested	
	cs2	32.36	33.19	34.02	34.85	35.68	36.51	37.32	Current									
	PD Requested	33.44	34.22	35.00	35.78	36.56	37.34	38.16	Requested									
	cs3	38.44	38.73	39.02	39.31	39.60	39.89	40.18	40.47	40.76	41.05	41.29	Current					
	PD Requested	39.31	40.01	40.80	41.70								Requested					

AMENDMENT TO MEET AND CONFER AGREEMENT

THIS AMENDMENT TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF LA PORTE, TEXAS AND THE LA PORTE POLICE OFFICERS' ASSOCIATION effective the ____ day of September, 2016, is by and between The La Porte Police Officers' Association and the City of La Porte, Texas, a Texas municipal corporation, collectively referred to as the "Parties" herein.

RECITALS

WHEREAS the Parties entered a Meet and Confer Agreement effective October 1, 2013 and herein referred to as the "Base Agreement" which continues in effect and continues to reflect the intent and desire of Parties;

WHEREAS the Parties desire to amend the Base Agreement to extend the term;

WHEREAS the Parties mutually intend to amend and hereby mutually agree to amend the Base Agreement as follows:

TERMS of AGREEMENT

SECTION 1. Article XI "Duration", Paragraph 1 of the Base Agreement is hereby amended to read as follows:

“ 1) The provisions covered under this agreement will be effective upon ratification by the La Porte Police Officers' Association and approval by the La Porte City Council, in accordance with Chapter 142 of the Texas Local Government Code. This agreement shall expire at midnight September 30, 2017. In the event that a new Agreement has not been reached by that date, parties may mutually agree to extend this agreement.”

SECTION 2. Except as specifically modified and amended by Section 1 herein, all of the terms, provisions, requirements and specifications contained in the Base Agreement and existing amendment(s) remain in full force and effect. The La Porte Police Officers' Association and the City of La Porte, Texas do not intend to, and the execution of this Amendment to Meet and Confer Agreement shall not, in any manner impair the Base Agreement or amendments, the purpose of this Amendment to Meet and Confer Agreement being simply to amend and ratify the Base Agreement, as hereby amended and ratified, and to confirm and carry forward the Base Agreement as hereby amended.

The foregoing instrument has been negotiated, reviewed and approved by each of the signatories indicated below:

LA PORTE POLICE OFFICERS' ASSOCIATION

Ratified by La Porte Police Officers' Association Membership on _____ day of _____, 2016.

By: _____
President, La Porte Police Officers' Association

Attest: _____
Secretary, La Porte Police Officers' Association

CITY OF LA PORTE, TEXAS

Approved by La Porte City Council on _____ day of _____ 2016.

By: _____
City Manager, City of La Porte, Texas

By: _____
Chief of Police, City of La Porte, Texas

Attest: _____
City Secretary, City of La Porte, Texas

Civil Service Median Salary Schedule 2016

Police Officer	CS1	CS1-0	CS1-1	CS1-2	CS1-3	CS1-4	CS1-5	CS1-6	CS1-7	CS1-8	CS1-9	CS1-10	CS1-11	CS1-12	CS1-15	CS1-20
		0	1	2	3	4	5	6	7	8	9	10	11	12	15	20
	Current	23.77	24.57	25.37	26.17	26.14	27.78	28.58	29.39	30.19	30.99	31.80	32.60	33.40	34.15	34.9
	New	25.01	25.79	26.57	27.35	28.12	28.90	29.68	30.46	31.24	32.02	32.79	33.57	34.35	35.10	35.85

Sergeant	CS2	CS2-0	CS2-1	CS2-2	CS2-3	CS2-4	CS2-5	CS2-6
		0	1	2	3	4	5	6
	Current	34.40	35.17	35.95	36.72	37.50	38.27	39.06
	New	35.38	36.33	37.29	38.24	39.19	40.15	41.10

Lieutenant	CS3	CS3-0	CS3-1	CS3-2	CS3-3
		0	1	2	3
	Current	40.23	41.34	42.47	43.64
	New	42.33	43.82	45.30	46.79

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: _____ Source of Funds: _____
Department: Administration Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: _____ Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Marked Version Ordinance
2. Clean Version Ordinance

SUMMARY & RECOMMENDATIONS

At the April 16, 2016 City Council Budget Retreat, the Planning and Development Department presented a discussion on adjusting the City's fees related to zoning and development applications for City Council consideration. Council provided direction to bring the item back in ordinance form as presented and this allows for that approval. The City's fees for the various development applications are currently found in two locations:

1. Appendix A of the City's Code of Ordinances includes zoning related fees for applications within Chapter 106 (Zone Changes, Special Conditional Use Permits, Zoning Variances, Special Exceptions, and Appeals) and Chapter 62 (Streets, Sidewalks, and Other Public Places).
2. Ordinance 1444 Development Ordinance includes development applications (Platting, Site Development Plans, General Plans, and Development Regulation Variances). The last time these fees were modified was in October 2003.

These fees have not been adjusted for many years. The intent of the fees are to off-set some of the administrative costs associated with the various applications. The fees in no way cover all personnel and administration costs for processing the various applications.

The intent of the modifications are to bring the City's fees more in line with those of the surrounding communities and the changing administrative costs associated with those applications. The proposed ordinance moves all fees into Appendix A of the City's Code of Ordinances.

One other change proposed with this ordinance is associated with the vacation of public rights-of-way, including streets and alleys. The proposed ordinance amends Section 62-35 of the Code of Ordinances to require the developer/owner to pay 100% of the fair market value of the public right-of-way being vacated instead of 75%, but reduces the administrative application fees as approved at the retreat.

Action Required of Council:

Consider approval or other action of an ordinance establishing fees associated with Chapter 86 “Development Regulations” in Appendix A; amending Chapter 62 “Streets, sidewalks and other Public Spaces” regarding right-of-way closures; amending fees associated with right-of-way closing in Appendix A; and amending fees associated with Chapter 106 “Zoning” in Appendix A.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING CHAPTER 86 “DEVELOPMENT REGULATIONS” APPENDIX – A “FEES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY DESIGNATING FILING FEES FOR PLANS, PLATS AND WAIVERS; AMENDING CHAPTER 62 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” REGARDING RIGHT-OF-WAY CLOSURES, AND AMENDING CHAPTER 62 APPENDIX-A FEES BY REVISING RIGHT-OF-WAY CLOSING APPLICATION FEE; AND, AMENDING CHAPTER 106 “ZONING” APPENDIX-A “FEES”, BY REVISING FEES FOR ZONE CHANGES, SCUPS, VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS OF ENFORCEMENT OFFICER DECISION; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 62, “Streets, Sidewalks and Other Public Places,” Article II “Vacating, Abandoning and Closing Streets and Alleys”, Section 62-35 “Final determination by city council; appraisal; conveyance; exemptions”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 62-35. - Final determination by city council; appraisal; conveyance; exemptions.

(a) Upon compliance with all provisions of this article, the city council shall make a final determination as to whether or not an application filed under this article shall be granted or denied. The city council may waive bid procedures and publication requirements in the sale or the disposal of real property interests belonging to the city in the following circumstances:

- (1) Narrow strips of land, or land so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development control ordinances, in which event such land may be sold to the abutting property owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;
- (2) Streets or alleys, whether owned in fee or used by easement, in which event such land or interest may be sold to the abutting owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;
- (3) All types of easements where the abutting property owners also own the underlying fee simple title, in which event such land or interest may be sold to the abutting property owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;

(4) Any land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements, which the city chooses to trade or exchange as consideration for other land acquired for streets, rights-of-way or easements, including transactions which may be partly for cash and partly by trade or exchange;

(5) Land owned by the city which it desires to have developed by contract with an independent foundation; or

(6) Any interest in land that is conveyed by the city to a governmental entity having the power of eminent domain.

(b) Any conveyance, sale or trade made under the provisions of this article shall never be for less than the fair market value of the land or interest being conveyed, or sold or traded, as determined by an appraisal obtained by the city, which shall be conclusive of the fair market value of such land or interest. In conducting such appraisal, the appraiser shall appraise the tract of land sought to be closed **or conveyed** as if it were an integral part of the adjoining or abutting tracts of land, and as if the city owned such tract of land in fee. **In all cases fair market value shall be considered the 100% fee simple value as determined by such independent appraisal, whether the city owns the land in fee simple or has an interest in the tract of land, including a street, alley or easement.**

~~(1) Fair market value shall be considered 75 percent of the fee value as determined by such independent appraisal. If the city owns an interest in such a tract of land as a street, alley or easement, the fair market value shall be considered 75 percent of the fee value as determined by such independent appraisal.~~

~~(2) If the city owns such a tract of land in fee, the fair market value shall likewise be determined hereunder at not less than 75 percent of the value determined in the manner provided in this subparagraph.~~

(c) Governmental entities shall be exempted from the payment of fair market value to the city.

(d) The fair market value received in the vacating, abandoning and closing of the street, alley or easement, unless otherwise directed by the city council, shall be deposited by the city into the general capital improvement fund to be used for general capital improvements throughout the city.”

Section 2: That Appendix – A “Fees”, Chapter 62, “Streets, Sidewalks and Other Public Places,” Article II “Vacating, Abandoning and Closing Streets and Alleys”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Chapter 62. Streets, Sidewalks and Other Public Places

Article II. Vacating, Abandoning and Closing Streets and Alleys

- (a) Application fee to vacate, abandon or close (minimum) ~~750.00~~ 300.00 62-32(a)”

Section 3: That Appendix – A “Fees”, Chapter 86, “Development Regulations,” Article I “In General”, of the Code of Ordinances, La Porte, Texas, is hereby established and shall hereinafter read as follows:

“Chapter 86. Development Regulations

Article I. In General

- | | | | |
|-----|-------------------------------|---|------|
| (a) | General Plan | 100.00 250.00 | 86-6 |
| (b) | Site Plan | | 86-7 |
| (1) | Major (Greater than 10 acres) | 150.00 300.00 up to 10 acres;
each additional acre
5.00 | |
| (2) | Minor (Less than 10 acres) | 100.00 200.00 up to 1 acre;
each additional acre
5.00 | |
| (c) | Plat | | 86-8 |
| (1) | Preliminary Plat | | |
| a. | Residential | 200.00 for 0-50 lots;
each additional lot
5.00 | |
| b. | Non-Residential | 200.00 350.00 for up to 10
acres; each additional
acre 10.00 | |
| (2) | Final Plat | | |

	a.	Residential	200.00 for 0-50 lots; each additional lot 5.00	
	b.	Non-Residential	200.00 350.00 for up to 10 acres; each additional acre 10.00	
(3)		Administrative Plat		
	a.	Residential	150.00 250.00	
	b.	Non-Residential	150.00 350.00	
(4)		Amending Plat		
	a.	Residential	100.00 150.00	
	b.	Non-Residential	100.00 250.00	
(5)		Replat		
	a.	Residential	150.00 plus 5.00/lot 150.00	
	b.	Non-Residential	150.00 plus 5.00/lot 250.00	
(6)		Vacating Plat		
	a.	Residential	150.00	
	b.	Non-Residential	250.00	
(d)		Waiver	150.00	86-26
	a.	Residential	150.00	
	b.	Non-Residential	250.00	

Section 4: That Appendix – A “Fees”, Chapter 106, “Zoning,” Article II “Administration”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Chapter 106. Zoning

Article II. Administration

(a)	Zoning permits	50.00	106-149
(b)	Application fees:		
(1)	Zone change request	300.00 400.00	106-149
(2)	Special conditional use request permit	300.00 400.00	106-149
(3)	Variance request	150.00	106-149
	a. Residential	150.00	
	b. Commercial	250.00	
(4)	Special exception request	150.00	106-149
	a. Residential	150.00	
	b. Commercial	250.00	
(5)	Appeal of enforcement officer’s decision	150.00	106-149
	a. Residential	150.00	
	b. Commercial	250.00”	

Section 5: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the _____ day of SEPTEMBER, 2016.

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING CHAPTER 86 “DEVELOPMENT REGULATIONS” APPENDIX – A “FEES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, BY DESIGNATING FILING FEES FOR PLANS, PLATS AND WAIVERS; AMENDING CHAPTER 62 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” REGARDING RIGHT-OF-WAY CLOSURES, AND AMENDING CHAPTER 62 APPENDIX-A FEES BY REVISING RIGHT-OF-WAY CLOSING APPLICATION FEE; AND, AMENDING CHAPTER 106 “ZONING” APPENDIX-A “FEES”, BY REVISING FEES FOR ZONE CHANGES, SCUPS, VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS OF ENFORCEMENT OFFICER DECISION; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 62, “Streets, Sidewalks and Other Public Places,” Article II “Vacating, Abandoning and Closing Streets and Alleys”, Section 62-35 “Final determination by city council; appraisal; conveyance; exemptions”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Sec. 62-35. - Final determination by city council; appraisal; conveyance; exemptions.

(a) Upon compliance with all provisions of this article, the city council shall make a final determination as to whether or not an application filed under this article shall be granted or denied. The city council may waive bid procedures and publication requirements in the sale or the disposal of real property interests belonging to the city in the following circumstances:

(1) Narrow strips of land, or land so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development control ordinances, in which event such land may be sold to the abutting property owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;

(2) Streets or alleys, whether owned in fee or used by easement, in which event such land or interest may be sold to the abutting owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;

(3) All types of easements where the abutting property owners also own the underlying fee simple title, in which event such land or interest may be sold to the abutting property owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner;

(4) Any land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements, which the city chooses to trade or exchange as consideration for other land acquired for streets, rights-of-way or easements, including transactions which may be partly for cash and partly by trade or exchange;

(5) Land owned by the city which it desires to have developed by contract with an independent foundation; or

(6) Any interest in land that is conveyed by the city to a governmental entity having the power of eminent domain.

(b) Any conveyance, sale or trade made under the provisions of this article shall never be for less than the fair market value of the land or interest being conveyed, or sold or traded, as determined by an appraisal obtained by the city, which shall be conclusive of the fair market value of such land or interest. In conducting such appraisal, the appraiser shall appraise the tract of land sought to be closed or conveyed as if it were an integral part of the adjoining or abutting tracts of land, and as if the city owned such tract of land in fee. In all cases fair market value shall be considered the 100% fee simple value as determined by such independent appraisal, whether the city owns the land in fee simple or has an interest in the tract of land, including a street, alley or easement.

(c) Governmental entities shall be exempted from the payment of fair market value to the city.

(d) The fair market value received in the vacating, abandoning and closing of the street, alley or easement, unless otherwise directed by the city council, shall be deposited by the city into the general capital improvement fund to be used for general capital improvements throughout the city.”

Section 2: That Appendix – A “Fees”, Chapter 62, “Streets, Sidewalks and Other Public Places,” Article II “Vacating, Abandoning and Closing Streets and Alleys”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Chapter 62. Streets, Sidewalks and Other Public Places

Article II. Vacating, Abandoning and Closing Streets and Alleys

(a) Application fee to vacate, abandon or close (minimum) 300.00 62-32(a)”

Section 3: That Appendix – A “Fees”, Chapter 86, “Development Regulations,” Article I “In General”, of the Code of Ordinances, La Porte, Texas, is hereby established and shall hereinafter read as follows:

“Chapter 86. Development Regulations

Article I. In General

(a)	General Plan	250.00	86-6
(b)	Site Plan		86-7
(1)	Major (Greater than 10 acres)	300.00 up to 10 acres; each additional acre 5.00	
(2)	Minor (Less than 10 acres)	200.00 up to 1 acre; each additional acre 5.00	
(c)	Plat		86-8
(1)	Preliminary Plat		
a.	Residential	200.00 for 0-50 lots; each additional lot 5.00	
b.	Non-Residential	350.00 for up to 10 acres; each additional acre 10.00	
(2)	Final Plat		
a.	Residential	200.00 for 0-50 lots; each additional lot 5.00	
b.	Non-Residential	350.00 for up to 10 acres; each additional acre 10.00	

(3)	Administrative Plat		
	a.	Residential	250.00
	b.	Non-Residential	350.00
(4)	Amending Plat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(5)	Replat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(6)	Vacating Plat		
	a.	Residential	150.00
	b.	Non-Residential	250.00
(d)	Waiver		86-26
	a.	Residential	150.00
	b.	Non-Residential	250.00”

Section 4: That Appendix – A “Fees”, Chapter 106, “Zoning,” Article II “Administration”, of the Code of Ordinances, La Porte, Texas, is hereby amended and shall hereinafter read as follows:

“Chapter 106. Zoning

Article II. Administration

(a)	Zoning permits	50.00	106-149
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(b) Application fees:			
(1)	Zone change request	400.00	106-149
(2)	Special conditional use permit	400.00	106-149
(3)	Variance request		106-149
	a. Residential	150.00	
	b. Commercial	250.00	
(4)	Special exception request		106-149
	a. Residential	150.00	
	b. Commercial	250.00	
(5)	Appeal of enforcement officer's decision		106-149
	a. Residential	150.00	
	b. Commercial	250.00"	

Section 5: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6: Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at

a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 8. This Ordinance shall be effective immediately upon passage its passage and approval.

PASSED AND APPROVED this the _____ day of SEPTEMBER, 2016.

By: _____

Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:



Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: K. Adcox Source of Funds: _____
Department: Police Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Public Hearing Notice
2. Changed Version Ordinance
3. Marked Version Ordinance

SUMMARY & RECOMMENDATIONS

In accordance with Section 370.002 of the Texas Local Government Code, *Review of Juvenile Curfew Order of Ordinance*, the City of La Porte is required to hold a Public Hearing concerning its curfew ordinance every third year. It has been three years since this ordinance was last reviewed. Rather than simply renewing the provisions of the existing ordinance, staff has updated some of the provisions of La Porte's curfew ordinance and is recommending that City Council consider the adoption of the new curfew ordinance.

The City of La Porte has had a curfew ordinance since 1993. With noted exceptions, the ordinance prohibits any minor under the age of 18 to be out between the hours of 12 Midnight and 6 a.m. on any day of the week, and between the hours of 9 a.m. and 2:30 p.m. on any school day. Parents may also be found in violation of the ordinance if it is determined that they knowingly allowed a child under their care to violate the established curfew.

Proposed changes to the to the existing curfew ordinance include:

1. Adding or modifying specific definitions for the terms Establishment, Operator, Parent, and Remains.
2. Adding a prohibition for the owner or operator of an "establishment" to knowingly allow a minor to remain upon the premises of an establishment during curfew hours.
3. Increasing the possible maximum fine amount from \$200 to \$500 in order to come in line with the City of La Porte's current general maximum fine for other municipal ordinance violations.

Staff recommends approval of this ordinance.

Action Required of Council:

Consider approval or other action of the Juvenile Curfew Ordinance.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

THE STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

NOTICE OF PUBLIC HEARING

In accordance with sec 370.002 of the Texas Local Govt. Code, *Review of Juvenile Curfew Order or Ordinance*, notice is hereby given that the City of La Porte will conduct a Public Hearing at **6:00 p.m. on the 12th day of September, 2016**, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas. The purpose of this hearing is to receive comments regarding a Juvenile Curfew Ordinance and determine to adopt the Ordinance as it is written or modify the Ordinance.

Citizens wishing to address Council pro or con during the Public Hearing will be required to sign in before the meeting is convened.

CITY OF LA PORTE

Patrice Fogarty
City Secretary

posted

This facility has disability accommodations available. Requests for interpretive services at meetings should be made 48 hours prior to the meeting. Please contact the City Secretary's office at (281)471-5020 or TDD Line (281) 471-5030 for further information.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 42 "MISCELLANEOUS OFFENSES" OF THE CODE OF ORDINANCES BY REVISING JUVENILE CURFEW REGULATIONS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 42, "Miscellaneous Offenses," Article III, "Curfew for Juveniles," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"ARTICLE III. - CURFEW FOR JUVENILES

Sec. 42-71. - Findings and determinations.

(a) The city council has determined that there has been an increase in juvenile violence, juvenile gang activity and an increase in crime by persons under the age of 18 in the city. Persons under the age of 18 are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

(b) The city has an obligation to provide for:

- (1) The protection of minors from each other and from other persons;
- (2) The establishment of parental control of and responsibility for their children;
- (3) The protection of the general public; and
- (4) The reduction of the incidence of juvenile criminal activities.

(c) The city council has determined that a curfew for those under 18 years of age will be in the interest of the public health, safety and general welfare, and will help to attain the objectives of this section and will diminish the undesirable impact of such conduct on the citizens of the city.

Sec. 42-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but not be limited to, a fire, natural disaster, vehicular accident or a serious medical condition of sudden onset.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor means any person under 18 years of age.

Operator means any individual, firm, association, partnership, corporation or other legal entity operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means the natural parent, adoptive parent, or step-parent of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities and shops.

Remain means: (1) to linger or stay, or (2) to fail to leave a premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Sec. 42-73. - Prohibited acts; offenses.

- (a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place or establishment in the city:
 - (1) Between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week; or
 - (2) Between the hours of 9:00 a.m. and 2:30 p.m. on any day on which classes are in session in the La Porte Independent School District.
- (b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsection (a) of this section.
- (c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 42-74. - Defenses to prosecution under section 42-73.

It is a defense to prosecution under section 42-73 that:

- (1) The minor was accompanied by his parent or guardian;
- (2) The minor was accompanied by an adult designated by his parent or guardian;
- (3) The minor was on an errand made necessary by an emergency;
- (4) The minor was attending a school, religious or government-sponsored activity or was traveling to or from a school, religious or government-sponsored activity;
- (5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
- (6) The minor was on the sidewalk of the place where he resides;
- (7) The minor was on an errand directed by his parent or guardian;
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (9) The minor was engaged in, participating in or traveling to or from any event, function or activity for which the application of section 42-73 would contravene his rights protected by the state or United States Constitutions;
- (10) The minor was married or had been married, or had disabilities of minority removed in accordance with Texas Family Code Chapter 31; or
- (11) With respect to the hours between 9:00 a.m. and 2:30 p.m. only, that the offense occurred during the school summer vacation break period of the school in which the minor is enrolled; on a holiday observed by the closure of classes in the school in which the minor is enrolled; the minor has graduated from high school or received a high school equivalency certificate; or that the minor is home schooled and has permission from parent or guardian to be out in public.
- (12) That the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 42-75. - Supplemental effect of article.

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Sec. 42-76. - Enforcement of article.

Notwithstanding the penal effect of this article, the chief of police is encouraged to develop alternative enforcement strategies, which may include, but need not be limited to, the return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuances of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Sec. 42-77. - Penalty for violation of article.

Any person who violates this article shall be guilty of a misdemeanor and upon conviction in the municipal court of the city shall be subject to a fine in an amount not to exceed \$500.00.”

Section 2. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 3. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of SEPTEMBER, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:



Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 42 “MISCELLANEOUS OFFENSES” OF THE CODE OF ORDINANCES BY REVISING JUVENILE CURFEW REGULATIONS; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 42, “Miscellaneous Offenses,” Article III, “Curfew for Juveniles,” of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

“ARTICLE III. - CURFEW FOR JUVENILES

Sec. 42-71. - Findings and determinations.

(a) The city council has determined that there has been an increase in juvenile violence, juvenile gang activity and an increase in crime by persons under the age of 18 in the city. Persons under the age of 18 are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

(b) The city has an obligation to provide for:

- (1) The protection of minors from each other and from other persons;
- (2) The establishment of parental control of and responsibility for their children;
- (3) The protection of the general public; and
- (4) The reduction of the incidence of juvenile criminal activities.

(c) The city council has determined that a curfew for those under 18 years of age will be in the interest of the public health, safety and general welfare, and will help to attain the objectives of this section and will diminish the undesirable impact of such conduct on the citizens of the city.

Sec. 42-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but not be limited to, a fire, natural disaster, vehicular accident or a serious medical condition of sudden onset.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor means any person under 18 years of age.

Operator means any individual, firm, association, partnership, corporation or other legal entity operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means ~~the natural mother or father or adoptive mother or father of a minor~~ the natural parent, adoptive parent, or step-parent of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartments, houses, office buildings, transport facilities and shops.

Remain means: (1) to linger or stay, or (2) to fail to leave a premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Sec. 42-73. - Prohibited acts; offenses.

- (a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place or establishment in the city:
 - (1) Between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week; or
 - (2) Between the hours of 9:00 a.m. and 2:30 p.m. on any day on which classes are in session in the La Porte Independent School District.
- (b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsection (a) of this section.
- (c) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 42-74. - Defenses to prosecution under section 42-73.

It is a defense to prosecution under section 42-73 that:

- (1) The minor was accompanied by his parent or guardian;

- (2) The minor was accompanied by an adult designated by his parent or guardian;
- (3) The minor was on an errand made necessary by an emergency;
- (4) The minor was attending a school, religious or government-sponsored activity or was traveling to or from a school, religious or government-sponsored activity;
- (5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
- (6) The minor was on the sidewalk of the place where he resides;
- (7) The minor was on an errand directed by his parent or guardian;
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (9) The minor was engaged in, participating in or traveling to or from any event, function or activity for which the application of section 42-73 would contravene his rights protected by the state or United States Constitutions;
- (10) The minor was married or had been married, or had disabilities of minority removed in accordance with V.T.C.A., Texas Family Code eh. Chapter 31; or
- (11) With respect to the hours between 9:00 a.m. and 2:30 p.m. only, that the offense occurred during the school summer vacation break period of the school in which the minor is enrolled; on a holiday observed by the closure of classes in the school in which the minor is enrolled; or that the minor has graduated from high school or received a high school equivalency certificate. or that the minor is home schooled and has permission from parent or guardian to be out in public.

(12) That the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 42-75. - Supplemental effect of article.

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Sec. 42-76. - Enforcement of article.

Notwithstanding the penal effect of this article, the chief of police is encouraged to develop alternative enforcement strategies, which may include, but need not be limited to, the return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuances of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Sec. 42-77. - Penalty for violation of article.

Any person who violates this article shall be guilty of a misdemeanor and upon conviction in the municipal court of the city shall be subject to a fine in an amount not to exceed \$500.00.”

Section 2. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00).

Section 3. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov’t Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of SEPTEMBER, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested:	<u>September 12, 2016</u>	<u>Appropriation</u>
Requested By:	<u>Mark Huber</u>	Source of Funds: <u>General Funds</u>
Department:	<u>Planning & Development</u>	Account Number: <u>001.9092.524.6021</u>
Report: <input type="radio"/>	Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: <u>\$110,000.00</u>
Other: <input type="radio"/>	<u></u>	Amount Requested: <u>TBD</u>
Attachments :		Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

- 1. Dangerous Buildings List**
- 2. Dangerous Building Inspection Reports**
- 3. Sample Ordinance**

SUMMARY & RECOMMENDATIONS

A regular Council meeting was held on August 8, 2016, to review the findings of the Dangerous Building Inspection Board and a September 12, 2016, public hearing date was granted to consider formal action.

Subsequent to this meeting, as required by Chapter 82, Article VIII of the Code of Ordinances, a notice was published twice in the Bay Area Observer and posted to the City of La Porte public bulletin board. Also, certified letters (voluntary consent to demolish form and public notice) were mailed to the building owners. City staff also posted to each property the required notices.

The purpose of this public hearing is to receive property owner, citizen, and staff comments as to why the buildings should or should not be condemned and demolished. Following the close of the hearing, Council will be asked to consider condemnation of the structures.

The Finance Department has confirmed Acct. 001-9092-524-6021 has \$110,000.00 in budgeted funds. These funds will come from the fiscal year 2016 – 2017 budget.

Action Required of Council:

Conduct public hearing; and consider approval or other action of Ordinances for condemnation of dangerous/substandard structures.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

**SUBSTANDARD BUILDING LIST
(Summer 2016 Group)**

- 1) **403 Arizona St.**
(A-1 Real, Residential, Single Family)
HCAD: 024-009-023-0003
Legal Description: Blk. 223; Lots 4 & 5 & S ½ of Lt 3; La Porte
Improvements: \$ 31,011 as of January 1, 2016 per HCAD
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 0 balance not an active account

- 2) **3313 Bayer St.**
(A-1 Real, Residential, Single Family)
HCAD: 079-083-006-0079
Legal Description: Blk. 6; Lts 79 & 80; Spencer Hwy Estates
Improvements: \$ 31,362 as of January 1, 2016 per HCAD
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 0 balance not an active account

- 3) **129 Bayshore Dr.**
(A-2 Real, Residential, Mobile Home)
HCAD: 058-012-007-0011
Legal Description: Blk. 7; Lot: 11; Pine Bluff
Improvements: \$ 3,674 as of January 1, 2015 per HCAD (\$0 in January 2016)
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 39.19 active account

- 4) **223 Bayside Dr. (Secondary Structure)**
(A-1 Real, Residential, Single Family)
HCAD: 061-057-013-0023
Legal Description: Blk. 13; Lots: 23 & 24; Bayside Terrace
Improvements: \$ 87,389 as of January 1, 2016 per HCAD
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 33.57 active account

- 5) **304 S. Blackwell St.**
 (A-1 Real, Residential, Single Family)
HCAD: 006-150-000-0019
Legal Description: Blk. 60; Lots: 19 Thru 26; Bayfront to La Porte
 Improvements: \$ 30,159 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 0 balance- not an active account
- 6) **2511 S. Broadway St.**
 (F-1- Real, Commercial)
HCAD: 024-291-000-0005
Legal Description: Blk.1373; Lots: 5 & 6; La Porte
 Improvements: \$ 72,988 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 0 balance- not an active account
- 7) **2823 S. Broadway St. #1**
 (F-1 Real, Commercial)
HCAD: 040-244-001-0054
Legal Description: TRS 33B & 34D ABST 30 W P Harris
 Improvements: \$ 49,649 as per January 1, 2016 per HCAD
 Taxes Owed: \$ Delinquent owes \$2,126.59 year 2015
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 47.06 balance- active account
- 8) **3142 Fondren St.**
 (A-1 Real, Residential, Single Family)
HCAD: 061-057-020-0011
Legal Description: Blk. 20; Lot 11 & TR 12 Blk 20; Bayside Terrace
 Improvements: \$ 56,250 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 55.99 balance- active account

- 9) **202 North Forrest Ave**
 (A-1 Real, Residential, Single Family)
HCAD: 035-213-015-0001
Legal Description: Blk. 15; Lots 1, 2 & 3
 Improvements: \$ 14,563 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 0 not an active account
- 10) **211 North Forrest Ave**
 (A-1, Real Residential, Single Family)
HCAD: 035-207-004-0010
Legal Description: TR11 & E ½ of LT 10; Blk 4; Sylvan Beach
 Improvements: \$ 43,410 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 1,175.00 mowing balance (no liens)
 Utility Billing: \$ 37.19 balance- active account
- 11) **3142 Hamilton St.**
 (A-1 Real, Residential, Single Family)
HCAD: 061-057-019-0011
Legal Description: Blk: 19; Lts: 11, 12, 13 & 14; Bayside Terrace
 Improvements: \$ 107,851 as of January 1, 2016 per HCAD
 Taxes Owed: \$ Delinquent/ owes \$39,328.89 (yr1994-2015)
 Mowing/Clean-up: \$ 850.00 mowing balance (no liens)
 Utility Billing: \$ 0 balance – not an active account
- 12) **727 S. Kansas St.**
 (A-1 Real, Residential, Single Family)
HCAD: 024-017-063-0013
Legal Description: Blk. 263 20 Ft of LT 12; Lts 13 & 14 & TR 12A; La Porte
 Improvements: \$ 56,250 as of January 1, 2016 per HCAD
 Taxes Owed: \$ 0
 Mowing/Clean-up: \$ 0 no liens
 Utility Billing: \$ 47.38 balance
- 13) **0 S. Lobit St.**
 (C-1 real, Vacant Lots/ Tracts in City)
HCAD: 006-114-000-0012
Legal Description: Blk 24; Lts 13 thru 22; Bayfront to La Porte

Improvements: \$ 0 as of January 2015-2016 per HCAD
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 0 balance- not an active account

14) **713 S. Lobit St.**

(A-1 Real, Residential, Single Family)

HCAD: 006-114-000-0011
Legal Description: Blk: 24; Lts: 10, 11 & 12; Bay Front to La Porte
Improvements: \$ 11,715 as of January 1, 2016
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 51.10 balance and \$ 225.82 balance – previous accounts.
Not an active account.

15) **621 W. Main St.**

(F1 Real, Commercial)

HCAD: 023-178-000-0004
Legal Description: Blk. 42; Lts 4, 5 & 6; La Porte
Improvements: \$ 39,062 as of January 1, 2016 per HCAD
Taxes Owed: \$ 5,617.21 (yr2014-2015)
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 28.30 balance – active account

16) **11810 N. P St.**

(A-1 Real, Residential, Single Family)

HCAD: 023-137-000-0318
Legal Description: TR 319A 110 X 198 FT of Lt 319; La Porte Outlots
Improvements: \$ 60,167 as of January 1, 2016 per HCAD
Taxes Owed: \$ Delinquent/ owes \$ 176.89 (yr2014-2015)
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 102.71 balance – active account

17) **1608 Roscoe St.**

(A-1 Real, Residential, Single Family)

HCAD: 006-118-000-0017
Legal Description: Blk 28; Lts: 17, 18 & 19; Bayfront to La Porte
Improvements: \$ 32,104 as of January 2016 per HCAD
Taxes Owed: \$ 0
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 43.48 outstanding balance from prev. account.
New account \$0 balance- active

- 18) **902 S. Utah St.**
(A-1 Real, Residential, Single Family)
HCAD: 006-107-000-0039
Legal Description: Blk 17 of 20 Ft of Lt 38; Lts 39 & 40 & Tr 38A
Improvements: \$ 66,953 as of January 1, 2016 per HCAD
Taxes Owed: \$ Delinquent/ owes 1,223.60 (yr 2008-2015)
Mowing/Clean-up: \$ 0 no liens
Utility Billing: \$ 256.02 outstanding balance from prev. account.
New account \$38.36 balance- active

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 211 N. FORREST AVE.

OWNER: NANCY DOISE

DEED OWNER: NANCY DOISE

HCAD: 035-207-004-0010

LEGAL: EAST 1/2 OF LOT 10 AND ALL LOT 11 IN BLOCK 4, SYLVAN BEACH FIRST SUBDIVISION

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: Y OCCUPIED: _____

AS REQUIRED IN THE CITY'S CODE OF ORDINANCE, CHAPTER 82; ARTICLE VIII, THE BOARD OF INSPECTIONS MADE AN INSPECTION OF THE AFOREMENTIONED PROPERTY, AND DETERMINED THE BUILDING LOCATED THEREON, IN THEIR OPINION, IS IN FACT A DANGEROUS BUILDING, FOR THE FOLLOWING REASONS:

SEC. 82-473. DECLARATION OF PUBLIC NUISANCE AND HAZARD

- A. Dangerous or substandard buildings or structures. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

- X 1: A building that is vacant, and is not up to current building code standards. These vacant buildings can be either open to trespass or boarded up.
- _____ 2: Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- _____ 3: Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- X 4: Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; (d) the deterioration, decay, or inadequacy of its foundation, or (e) any other cause, is likely to partially or completely collapse.
- _____ 5: Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.
- _____ 6: Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) a public nuisance, (b) a harbor for vagrants, or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts.
- X 7: Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Board to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- _____ 8: Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus or other cause, is determined by the Board to be a fire hazard.

B. Dangerous or substandard electrical, plumbing, or mechanical installations. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

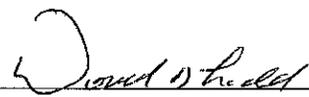
- _____1. Whenever any protective or safety device specified in The Electrical Code and of this title is not provided or is inoperative, defective, dilapidated, or deteriorated so as to threaten to fail or function as originally intended.
- _____2. Whenever any installation or portion thereof because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) obsolescence; (d) inadequate maintenance, which in relation to existing use constitutes a hazard to life, health, property or safety.
- _____3. Whenever any installation or any portion thereof which is damaged by fire, wind, earthquake, flood or any other cause so as to constitute a potential hazard to life, health, property, or safety.
- _____4. Whenever any installation or any portion thereof was constructed, installed, altered or maintained in violation of the Building Code and/or Fire Code so as to constitute a potential hazard to life, health, property or safety.

FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X 
BUILDING OFFICIAL'S OFFICE DATE

X  7-21-16
FIRE MARSHAL'S OFFICE DATE

X  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 403 ARIZONA ST.

OWNER: RANDALL SEXTON

DEED OWNER: RANDALL SEXTON

HCAD: 024-009-023-0003

LEGAL: LOTS 4 AND 5 AND SOUTH 1/2 OF LOT 3, BLOCK 223, CITY OF LA PORTE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: Y OCCUPIED: _____

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- _____ 3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- _____ 4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; (d) the deterioration, decay, or inadequacy of its foundation, or (e) any other cause, is likely to partially or completely collapse.
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- _____ 7. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Board to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
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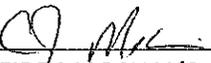
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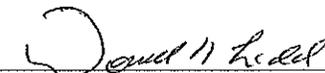
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X  _____
BUILDING OFFICIAL'S OFFICE DATE

X  _____ 7-21-16
FIRE MARSHAL'S OFFICE DATE

X  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 713 S. LOBIT ST.

OWNER: MIKE AND MARY VANCE

DEED OWNER: MIKE AND MARY VANCE

HCAD: 006-114-000-0011

LEGAL: LOTS 10-12, IN BLOCK 24 OF BAYFRONT ADDITION TO LA PORTE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: Y OCCUPIED: _____

AS REQUIRED IN THE CITY'S CODE OF ORDINANCE, CHAPTER 82; ARTICLE VIII, THE BOARD OF INSPECTIONS MADE AN INSPECTION OF THE AFOREMENTIONED PROPERTY, AND DETERMINED THE BUILDING LOCATED THEREON, IN THEIR OPINION, IS IN FACT A DANGEROUS BUILDING, FOR THE FOLLOWING REASONS:

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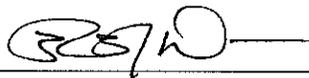
- 1: A building that is vacant, and is not up to current building code standards. These vacant buildings can be either open to trespass or boarded up.
- 2: Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
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- 5: Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.
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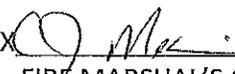
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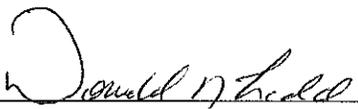
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

x  _____
BUILDING OFFICIAL'S OFFICE DATE

x  _____ 7-21-16
FIRE MARSHAL'S OFFICE DATE

x  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 2511 S. BROADWAY

OWNER: MIKE ARSCOTT

DEED OWNER: MIKE ARSCOTT

HCAD: 024-291-000-0005

LEGAL: ALL OF LOTS 5-6 IN BLOCK 1373, TOWN OF LA PORTE

OCCUPANCY TYPE: COMMERCIAL ZONING: R1

NON-CONFORMING ISSUES: LEGAL NONCONFORMING USE IN AN R1 ZONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: NONE

VACANT: Y OCCUPIED: _____

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City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 902 S. UTAH ST.

OWNER: LIDGE KOLAFA

DEED OWNER: LIDGE KOLAFA

HCAD: 006-107-000-0039

LEGAL: WEST 20' OF LOT 38 ALL OF LOTS 39-40 IN BLOCK 17 OF BAYFRONT ADDITION TO THE TOWN OF LA PORTE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: _____ OCCUPIED: Y

AS REQUIRED IN THE CITY'S CODE OF ORDINANCE, CHAPTER 82; ARTICLE VIII, THE BOARD OF INSPECTIONS MADE AN INSPECTION OF THE AFOREMENTIONED PROPERTY, AND DETERMINED THE BUILDING LOCATED THEREON, IN THEIR OPINION, IS IN FACT A DANGEROUS BUILDING, FOR THE FOLLOWING REASONS:

SEC. 82-473. DECLARATION OF PUBLIC NUISANCE AND HAZARD

- A. Dangerous or substandard buildings or structures. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

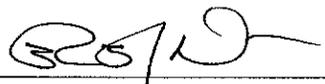
- 1: A building that is vacant, and is not up to current building code standards. These vacant buildings can be either open to trespass or boarded up.
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- x 3: Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
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- 5: Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.
- 6: Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) a public nuisance, (b) a harbor for vagrants, or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts.
- x 7: Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Board to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- 8: Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus or other cause, is determined by the Board to be a fire hazard.

B. Dangerous or substandard electrical, plumbing, or mechanical installations. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

x 
BUILDING OFFICIAL'S OFFICE DATE

x  7.21.14
FIRE MARSHAL'S OFFICE DATE

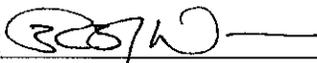
x  7.21.14
FIRE CHIEF'S OFFICE DATE

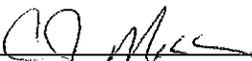
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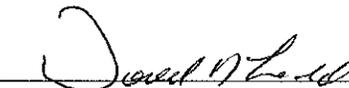
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

X 
BUILDING OFFICIAL'S OFFICE DATE

X  7-21-16
FIRE MARSHAL'S OFFICE DATE

X  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 11810 N. P ST.

OWNER: RANDY PORTER

DEED OWNER: RANDY PORTER

HCAD: 023-137-000-0318

LEGAL: SEE TITLE REPORT FOR LEGAL DESCRIPTION

OCCUPANCY TYPE: RESIDENTIAL

ZONING: LLD

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE:

WATER: Y

SEWER: Y

ELECTRICAL: Y

GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: _____

OCCUPIED: Y

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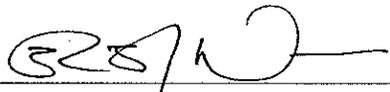
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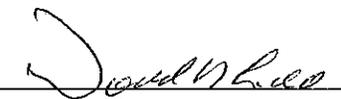
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

x 
BUILDING OFFICIAL'S OFFICE DATE

x  7-21-16
FIRE MARSHAL'S OFFICE DATE

x  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 0 S. Lobit St. 006-114-000-0012

OWNER: Jerry Guest

DEED OWNER: Jerry Guest

HCAD: 006-114-000-0012

LEGAL: Lot 13 through 22 in Block 24, Bay Front addition to the City of La Porte

OCCUPANCY TYPE: storage shed ZONING: R1

NON-CONFORMING ISSUES: storage building on a vacant lot with no primary structure

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: none

VACANT: Y OCCUPIED: _____

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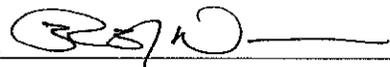
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X  _____
BUILDING OFFICIAL'S OFFICE DATE

X  _____ 7-21-16
FIRE MARSHAL'S OFFICE DATE

X  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 727 S. KANSAS ST

OWNER: 3K COASTWIDE INVESTMENTS LLC

DEED OWNER: 3K COASTWIDE INVESTMENTS LLC

HCAD: 024-017-063-0013

LEGAL: SOUTH 20' OF LOT 12, ALL OF LOTS 13-14, IN BLOCK 263, OF TOWN OF LA PORTE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE

VACANT: Y OCCUPIED: _____

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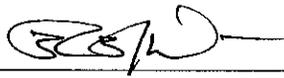
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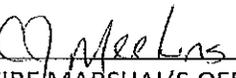
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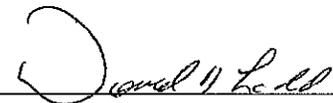
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X  _____
BUILDING OFFICIAL'S OFFICE DATE

X  _____ 7-21-16
FIRE MARSHAL'S OFFICE DATE

X  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 3313 BAYER ST.

OWNER: ANTHONY AND LUCY DISISTO

DEED OWNER: ANTHONY AND LUCY DISISTO

HCAD: 079-083-0066-0079

LEGAL: LOTS 79-80, IN BLOCK 6 OF SPENCER HIGHWAY ESTATES

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE, WITH DETACHED GARAGE

VACANT: Y OCCUPIED: _____

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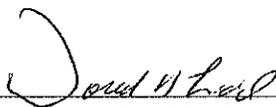
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

x  _____
BUILDING OFFICIAL'S OFFICE DATE

x  _____ 7-21-16
FIRE MARSHAL'S OFFICE DATE

x  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 3142 FONDREN ST.

OWNER: JANICE AND PHIL WALTERS

DEED OWNER: JANICE AND PHIL WALTERS

HCAD: 061-057-020-0011

LEGAL: LOT 11 AND SOUTH 1/2 OF LOT 12, BLOCK 20, BAYSIDE TERRACE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: SECONDARY DWELLING UNIT ON PROPERTY IN R1 ZONE, NO SCUP

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: TWO, SECONDARY STRUCTURE IN REAR OF PRIMARY

VACANT: N OCCUPIED: _____

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- 6: Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) a public nuisance, (b) a harbor for vagrants, or as to (c) enable persons to resort thereto for the purpose of committing unlawful acts.
- X 7: Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Board to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- 8: Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus or other cause, is determined by the Board to be a fire hazard.

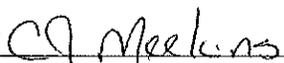
B. Dangerous or substandard electrical, plumbing, or mechanical installations. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

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- _____ 4. Whenever any installation or any portion thereof was constructed, installed, altered or maintained in violation of the Building Code and/or Fire Code so as to constitute a potential hazard to life, health, property or safety.

FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

TWO STRUCTURES ON PROPERTY, SECONDARY STRUCTURE IN REAR IS DANGEROUS STRUCTURE

X  _____
BUILDING OFFICIAL'S OFFICE DATE

X  7-21-16
FIRE MARSHAL'S OFFICE DATE

X  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 3142 HAMILTON

OWNER: ROBERT CARLISLIE

DEED OWNER: ROBERT CARLISLIE

HCAD: 061-057-019-0011

LEGAL: LOTS 11-14 AND BLOCK 19 OF BAYSIDE TERRACE, ON GALVESTON BAY IN THE W.P. HARRIS SURVEY

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE, ONE DETACHED STRUCTURE

VACANT: Y OCCUPIED: _____

AS REQUIRED IN THE CITY'S CODE OF ORDINANCE, CHAPTER 82; ARTICLE VIII, THE BOARD OF INSPECTIONS MADE AN INSPECTION OF THE AFOREMENTIONED PROPERTY, AND DETERMINED THE BUILDING LOCATED THEREON, IN THEIR OPINION, IS IN FACT A DANGEROUS BUILDING, FOR THE FOLLOWING REASONS:

SEC. 82-473. DECLARATION OF PUBLIC NUISANCE AND HAZARD
A. Dangerous or substandard buildings or structures. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

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- 2: Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
3. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
4. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; (d) the deterioration, decay, or inadequacy of its foundation, or (e) any other cause, is likely to partially or completely collapse.
5. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.
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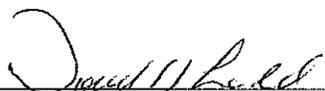
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X  _____
BUILDING OFFICIAL'S OFFICE DATE

X _____
FIRE MARSHAL'S OFFICE DATE

X  _____ 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 202 N. FORREST AVE.

OWNER: RICHARD HARRISON

DEED OWNER: RICHARD HARRISON

HCAD: 035-213-015-0001

LEGAL: LOT ONE, TWO AND THREE, IN BBLOCK FIFTEEN, OF SYLVAN BEACH FIRST SUBDIVISION

OCCUPANCY TYPE: MEETING HALL ZONING: R3

NON-CONFORMING ISSUES: MEETING HALL IN AN R3 ZONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y
ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: NONE

VACANT: Y OCCUPIED: _____

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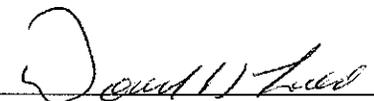
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X 
BUILDING OFFICIAL'S OFFICE DATE

X  7-21-16
FIRE MARSHAL'S OFFICE DATE

X  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 129 BAYSHORE DR.

OWNER: MICHAEL CHADICK

DEED OWNER: MICHAEL CHADICK

HCAD: 058-012-007-0011

LEGAL: LOT 11 IN BLOCK 7, PINE BLUFF ADDITION

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: MOBILE HOME IN AN R1 ZONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE, WITH STORAGE SHED IN REAR

VACANT: _____ OCCUPIED: X

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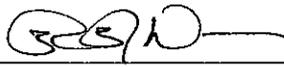
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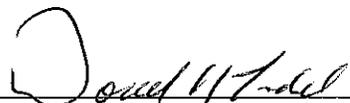
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

DANGEROUS STRUCTURE

X 
BUILDING OFFICIAL'S OFFICE DATE

X _____
FIRE MARSHAL'S OFFICE DATE

X  7-21-14
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 304 S. BLACKWELL ST.

OWNER: R. HARRISON

DEED OWNER: R. HARRISON

HCAD: 006-150-000-0019

LEGAL: LOTS 19 - 26, INCLUSIVE, IN BLOCK 60, BAY FRONT ADDITION TO TOWN OF LA PORTE

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE WITH DETACHED GARAGE

VACANT: Y OCCUPIED: _____

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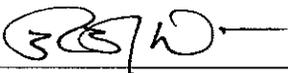
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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

TWO DANGEROUS STRUCTURES

x 
BUILDING OFFICIAL'S OFFICE DATE

x  7-21-16
FIRE MARSHAL'S OFFICE DATE

x  7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 621 W. MAIN ST.

OWNER: WILLIAM GREENLEE

DEED OWNER: WILLIAM GREENLEE

HCAD: 023-178-000-0004

LEGAL: LOTS 4-6, IN BLOCK 42, TOWN OF LA PORTE

OCCUPANCY TYPE: COMMERCIAL ZONING: MSDO

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: NONE

VACANT: UNKNOWN OCCUPIED: _____

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FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

ONE DANGEROUS STRUCTURE

X [Signature]
BUILDING OFFICIAL'S OFFICE DATE

X [Signature] 7-21-16 *front building only
FIRE/MARSHAL'S OFFICE DATE

X [Signature] 7-21-16
FIRE CHIEF'S OFFICE DATE

City of La Porte
DANGEROUS BUILDING INSPECTION FORM

DATE: 4/11/16

STREET ADDRESS: 1608 Roscoe St.

OWNER: Paul Schaidler

DEED OWNER: Paul Schaidler

HCAD: 006-118-000-0017

LEGAL: LOTS 17-19, IN BLOCK 28, AND THE SOUTHWESTERLY 25' OF LOTS 31 AND 32, IN BLOCK 21 OF BAY FRONT ADDITION

OCCUPANCY TYPE: RESIDENTIAL ZONING: R1

NON-CONFORMING ISSUES: NONE

FACILITIES AVAILABLE: WATER: Y SEWER: Y

ELECTRICAL: Y GAS: Y

NUMBER OF DWELLING UNITS: ONE HOUSE, TWO STORAGE BUILDINGS

VACANT: UNKNOWN OCCUPIED: _____

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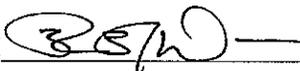
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B. Dangerous or substandard electrical, plumbing, or mechanical installations. A building or structure shall be considered dangerous or substandard whenever it is determined by the Board, that any or all of the following is applicable:

- _____1. Whenever any protective or safety device specified in The Electrical Code and of this title is not provided or is inoperative, defective, dilapidated, or deteriorated so as to threaten to fail or function as originally intended.
- _____2. Whenever any installation or portion thereof because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) obsolescence; (d) inadequate maintenance, which in relation to existing use constitutes a hazard to life, health, property or safety.
- _____3. Whenever any installation or any portion thereof which is damaged by fire, wind, earthquake, flood or any other cause so as to constitute a potential hazard to life, health, property, or safety.
- _____4. Whenever any installation or any portion thereof was constructed, installed, altered or maintained in violation of the Building Code and/or Fire Code so as to constitute a potential hazard to life, health, property or safety.

FINDINGS AND CONCLUSIONS OF THE BOARD OF INSPECTION:

3 DANGEROUS STRUCTURES, ONE RESIDENTIAL, 2 STORAGE BUILDINGS

x 
BUILDING OFFICIAL'S OFFICE DATE

x  7-21-16
FIRE MARSHAL'S OFFICE DATE

x  7-21-16
FIRE CHIEF'S OFFICE DATE

Sample

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE PRIMARY RESIDENTIAL DWELLING LOCATED AT LOTS ONE (1), TWO (2), AND THREE (3), BLOCK 15, SYLAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 202 NORTH FORREST AVE. TO BE IN FACT A NUISANCE; ORDERING SUCH BUILDING CONDEMNED; FINDING THAT RICHARD H. HARRISON IS THE RECORD OWNER OF SAID PROPERTY; ORDERING THE SAID OWNER TO ENTIRELY REMOVE OR TEAR DOWN SUCH BUILDING; ORDERING THE SAID OWNER TO COMMENCE SAID REMOVAL OR DEMOLITION WITHIN TEN (10) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO COMPLETE SAID REMOVAL OR DEMOLITION WITHIN FORTY-FIVE (45) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; ORDERING THE DANGEROUS BUILDING INSPECTION BOARD TO PLACE A NOTICE ON SAID BUILDING; ORDERING THE CITY SECRETARY TO FORWARD A COPY OF THIS ORDINANCE TO SAID OWNER; PROVIDING FOR THE REMOVAL OF SAID BUILDING) BY THE CITY OF LA PORTE IF NOT REMOVED BY SAID OWNERS IN THE MANNER PROVIDED HEREIN; PROVIDING AN EFFECTIVE DATE HEREOF; AND FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW.

WHEREAS, the City Council of the City of La Porte, passed and approved Section 82-472 of the Code of Ordinances, creating a Dangerous Building Inspection Board (*the Board*) to be composed of the Building Official or his duly authorized representative, the Fire Chief or his duly authorized representative, the Fire Marshal or his duly authorized representative; and

WHEREAS, Section 82-474 (a) provides that:

Whenever it shall come to the attention of the Board or any member thereof, by reason of the carrying out of the necessary duties of such member, or by reason of a complaint of any citizen of the City or of the City Council, that a dangerous building exists, the Board shall make a thorough inspection of such building(s); and

WHEREAS, Section 82-474 (e) provides that:

After the inspection provided for in this Section has been made, with or without the aid of experts, the Board shall report its conclusion in writing to each of the members of the City Council and to the City Attorney. Such report shall state the circumstances and the condition of the building(s) upon which such conclusion was based. The report shall be filed in all cases no matter what conclusion is stated by the Board; and

WHEREAS, it has heretofore come to the attention of the Board that the primary residential dwelling at LOTS ONE (1), TWO (2), AND THREE (3), BLOCK 15, SYLAN BEACH FIRST SUBDIVISION, HARRIS COUNTY, TEXAS, which is further described as 202 NORTH FORREST AVE., Harris County, Texas, has become dangerous or substandard and thereby a public nuisance, as established in Section 82-473 of the Code of Ordinances of the City of La Porte; and

WHEREAS, said Board has heretofore made and filed its written report, dated APRIL 11, 2016 finding said building to be in fact a dangerous building;

WHEREAS, City Council received such report, and ordered notice to the record owner of said property that a hearing as provided in Section 82-477 of said Ordinance would be held at 6:00 PM on SEPTEMBER 12, 2016, at 604 W. Fairmont Parkway, at the Council Chambers, City Hall, City of La Porte, Texas, at which time the Council would hear further evidence for and against the conclusions of the Board;

WHEREAS, the City of La Porte has heretofore served notice of said hearing upon said owner(s), by posting a notice on the subject property on or about AUGUST 12, 2016; and by registered mail, return receipt requested, which notice was shown by USPS as delivered on AUGUST 25, 2016; a date more than ten (10) days before the date set for said hearing;

WHEREAS, at said date, time, and place, City Council met in regular session to conduct such public hearing, at which time evidence was presented both for and against the conclusions of the Board, at which time the hearing was concluded;

WHEREAS, City Council, after due deliberation, and within fifteen (15) days after the termination of the hearing, is required to make its decision in writing and enter its order; and

WHEREAS, City Council entered its order on SEPTEMBER 12, 2016 a day which is within fifteen (15) days after the termination of the hearing; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. This Ordinance contains the Findings of Fact, Conclusions of Law, and orders of the City Council of the City of La Porte, based upon the evidence presented at said hearing.

Section 2. Based on the evidence presented at said hearing, the City Council hereby adopts the attached report of the Board, in full, and incorporates such by reference herein as fully as though set out herein.

Section 3. The City Council hereby finds, determines and declares such building, being the primary residential dwelling structure, to be a public nuisance, and orders such building condemned.

Section 4. The City Council hereby finds, determines and declares that RICHARD H. HARRISON is the record owner of the property on which the aforementioned primary residential dwelling structure is situated, and that as such record owner, the said RICHARD H. HARRISON has been duly and legally notified of those proceedings.

Section 5. The City Council hereby orders the said RICHARD H. HARRISON to entirely remove or demolish such building including all slabs, parking bays and driveways, and further orders the said RICHARD H. HARRISON to commence such removal within ten (10) days from the effective date of this Ordinance, and to complete said removal or demolition within forty-five (45) days from the effective date of this ordinance.

Section 6. The City Council hereby orders the Board of the City of La Porte to cause a notice of the dangerous, unsanitary condition of the building to be affixed in one or more conspicuous places on the exterior of the building, which notice or notices shall not be removed or defaced by any person, under penalty of law.

Section 7. The City Council hereby orders the City Secretary to forward a certified copy of this Ordinance, to the record owner of said property and to any and all lienholders or mortgagees, by registered mail, return receipt requested; file a copy of this Ordinance in the office of the City Secretary; and, publish in the official newspaper of the city a notice containing: 1) the street address or legal description of the property, 2) the date of the public hearing, 3) a brief statement indicating the results of the hearing, and 4) instructions stating where a complete copy of this Ordinance may be obtained.

Section 8. Should the said RICHARD H. HARRISON not comply with the orders contained in this Ordinance relating to the removal or demolition of such building including all slabs, parking bays and driveways within forty-five (45) days after hereof, then the City of La Porte shall enter upon the said premises with such assistance as it may deem necessary, and cause the said building to be removed or demolished without delay, and the expenses of such procedure shall be charged against the said record owner of said property, and shall thereupon become a valid and enforceable personal obligation of said owner of such premises, and the said City shall carefully compute the cost of such removal or demolition, which cost shall be hereafter assessed against the land occupied by such building, and made lien thereon.

Section 9. The City Council officially finds, determines, and recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 10. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2016.

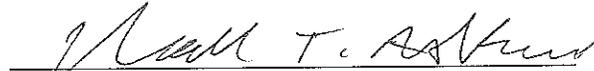
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assist. City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: Michael Dolby Source of Funds: N/A
Department: Finance Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. **Notice of Public Hearing**
2. **Presentation for Public Hearing**

SUMMARY & RECOMMENDATIONS

On July 25th, Council approved that a Public Hearing for the Fiscal Year 2016-2017 Proposed Budget be held on Monday, September 12, 2016, at the regularly scheduled Council meeting, which begins at 6:00 p.m.

The City Council held budget workshops on August 15 through August 16, 2016 to discuss proposed budgets for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

The following presentation summarizes the result of the workshops held with City Council. All changes made by Council were incorporated into the various budgets. These changes include:

- City Secretary Office – Additional funds for Municode - \$1,000
- Parks Maintenance – Added funding for additional Parks Maintenance Worker I - \$39,155
- Recreation – Deletion of funding for Boy's Baseball - \$414,411
- Emergency Management – Reduction of funds needed for mass notification system - \$6,000
- Grant funding added for the following:
 - Helping Heroes (PD, EMS, Fire Suppression) – \$31,620
 - ICAC increase - \$40,850
 - SETRAC - \$5,000
 - LEPC - \$5,000
 - Utilization of Park Zone funding for Lomax parking lot - \$125,000
- Economic Development advertising budget reduced by \$24,050
- Economic Development – increase budget for strategic plan (carry forward) - \$20,000
- LPAWA / Utility Fund – adjusted water costs with new rates from the City of Houston
- Utility Fund debt transfer reduced due to excess fund balance - \$453,047
- Utility Fund – correction to insurance account - \$10,422
- Airport – Reduced the scope of the vegetation management program - \$22,500
- General CIP – Lake at Fairmont Green drainage project - \$250,000

(Will be reimbursed by the TIRZ)

- Utility CIP – Added funding to continue the meter replacement program - \$250,000
 - Grant Fund – Received notice of Southeast Texas Housing (SETH) Grant Award for \$50,000.
-

Action Required of Council:

Conduct the Public Hearing on the City's FY 2016-2017 Proposed Budget.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

THE STATE OF TEXAS)

COUNTY OF HARRIS)

CITY OF LA PORTE)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of La Porte will hold a Public Hearing on the 12th day of September 2016, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas, beginning at 6:00 P.M. The purpose of this hearing is to provide citizens the opportunity to comment on the overall budget.

This budget will raise less revenue from property taxes than last year's budget by an amount of \$-568,115, which is a -2.75 percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$333,602.

The City of La Porte must, by Charter requirement, adopt its fiscal budget by September 30, 2016. Copies of the adopted budget will be available for public inspection and copying at the office of the City Secretary, City Hall, 604 West Fairmont Parkway, La Porte, Texas, during normal business hours. Copies will also be made available on the City's website.

CITY OF LA PORTE

Patrice Fogarty, TRMC, MMC
City Secretary

City of La Porte
FY 2016-17 Budget
Public Hearing

September 12, 2016





Budget Summary for Fiscal Year 2017

- No increase in property tax rate
- No utility fund rate increase
- Merit increases for employees affect each budget's personnel costs
- Capital projects of approximately \$9.75 million
 - (Including \$1.6 million from Street Maintenance Sales Tax Funding)*
- Vehicle replacement of \$1.4 million
- \$2 million from the General Fund for utility CIP
- \$2 million commitment remains in General Fund for future utility CIP
- \$2 million transfer from General Fund for health insurance



Changes from Published Proposed Budget

- City Secretary Office – Additional funds for Municode - \$1,000
- Parks Maintenance – Added funding for additional Parks Maintenance Worker I - \$39,155
- Recreation – Deletion of funding for Boy’s Baseball - \$414,411
- Emergency Management – Reduction of funds needed for mass notification system - \$6,000
- Grant funding added for the following:
 - Helping Heroes (PD, EMS, Fire Suppression) – \$31,620
 - ICAC increase - \$40,850
 - SETRAC - \$5,000
 - LEPC - \$5,000
 - Utilization of Park Zone funding for Lomax parking lot - \$125,000
 - SETH Grant - \$50,000
- Economic Development advertising budget reduced by \$24,050
- Economic Development – increase budget for strategic plan (carry forward) - \$20,000
- LPAWA / Utility Fund – adjusted water costs with new rates from the City of Houston
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- Airport – Reduced the scope of the vegetation management program - \$22,500
- General CIP – Lake at Fairmont Green drainage project - \$250,000
(Will be reimbursed by the TIRZ)
- Utility CIP – Added funding to continue the meter replacement program - \$250,000
(This item was omitted during the budget workshops.)

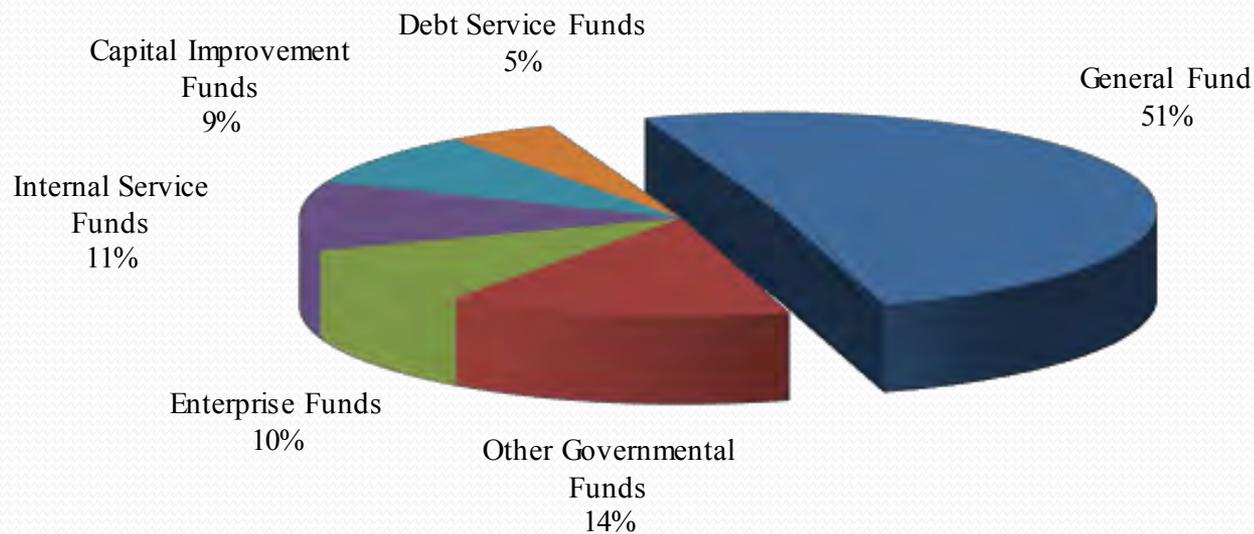


Expenditure Assumptions

- No change to health insurance for employees
- TMRS rate: 16.14%
- Technology lease fees: 37% average decrease
 - *(Combined replacement categories reducing cost)*



Expenditures - All Funds





Consolidated Summary of All Funds

(In millions)

	Working Capital 09/30/16	FY 16-17 Revenues	FY 16-17 Expenses	Working Capital 09/30/17
General Fund	33.32	42.85	47.09	29.08
Special Revenue	9.66	12.82	13.45	9.02
Enterprise	6.07	9.70	8.90	6.87
Internal Service	3.79	11.22	10.54	4.47
Capital Improvement	5.21	5.05	8.14	2.12
Debt Service	2.51	3.87	4.24	2.15
Total All Funds	60.56	85.53	92.37	53.72

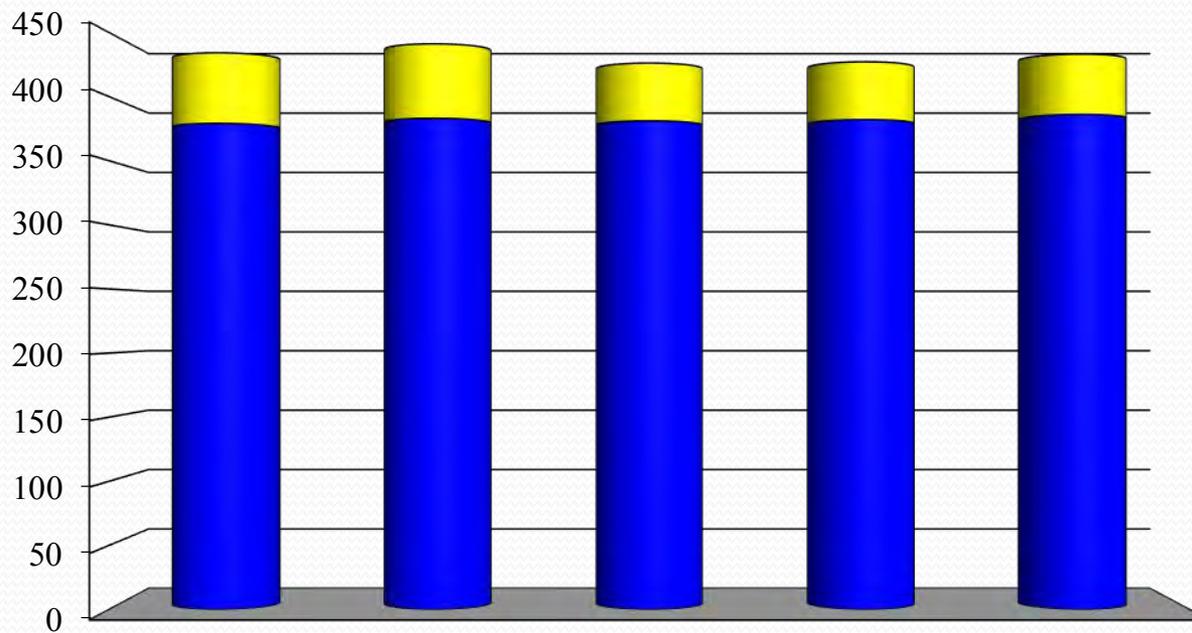


Revenues - All Funds

<i>(In millions)</i>	Actual	Budget	Revised	Projected
Description	2014-15	2015-16	2015-16	2016-17
General Property Taxes	18.88	18.56	19.39	18.66
Franchise Fees	2.41	2.20	2.19	2.19
Sales Taxes	9.95	9.74	9.40	8.85
Industrial Payments	12.27	12.44	14.38	12.50
Other Taxes	0.80	0.74	0.73	0.74
License & Permits	1.35	0.45	0.47	0.42
Fines & Forfeits	1.95	1.71	1.70	1.71
Charges for Services	9.83	9.11	9.19	8.95
Parks & Recreation	0.27	0.22	0.24	0.23
Recreation & Fitness Center	0.20	0.22	0.22	0.22
Employee Health Service	5.31	5.11	5.13	5.18
Water Revenue	5.98	5.65	5.84	6.14
Wastewater Revenue	3.59	3.24	3.50	3.48
Intergovernmental	3.21	0.53	0.53	0.91
Miscellaneous	0.60	0.04	0.15	0.09
Operating Transfers	7.61	4.91	4.98	7.94
Other Financing Sources	8.91	0.10	0.10	0.38
Interest	0.23	0.11	0.22	0.21
Grand Total All Revenue	93.33	75.07	78.34	78.80



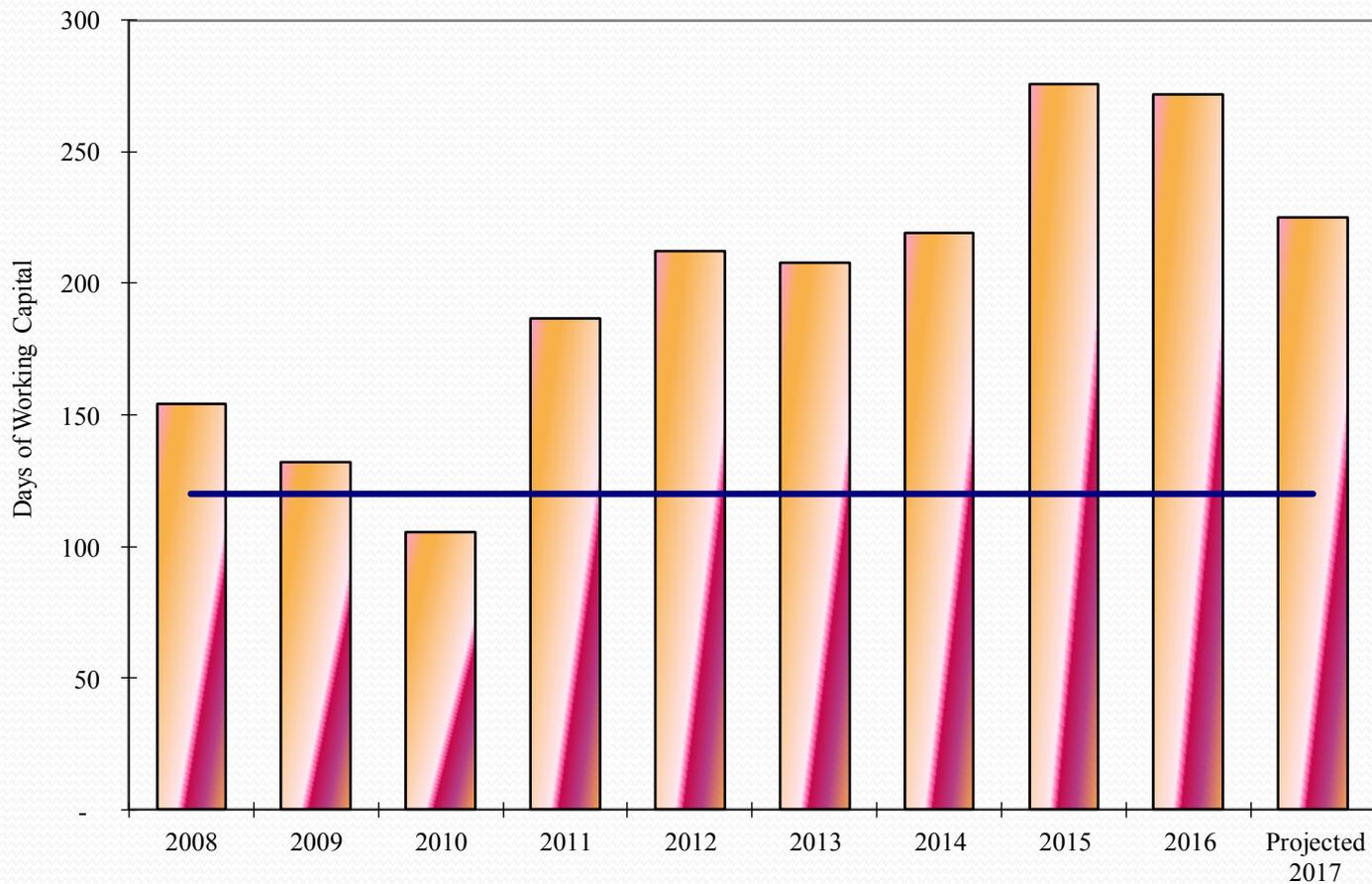
Employee Positions Citywide



	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17
■ Part-time	55	58	45	45	47
■ Full-time	379	383	381	382	386



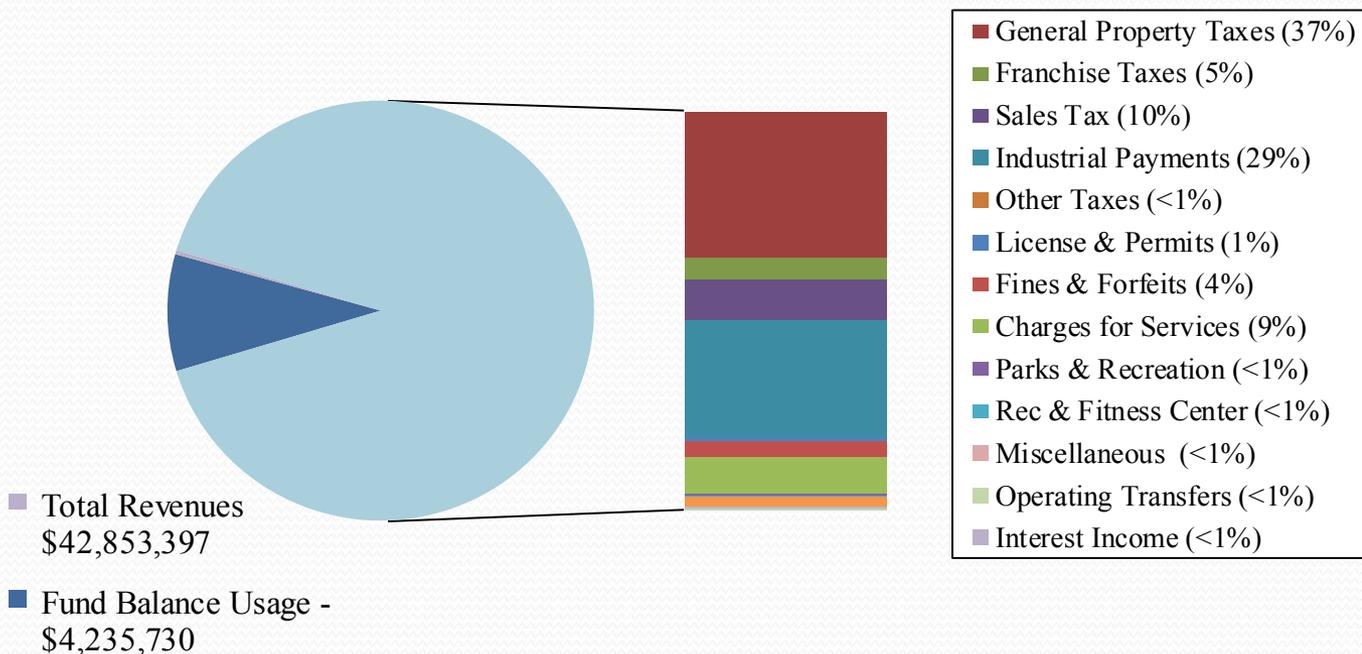
General Fund Days of Working Capital





General Fund Revenue Sources

Where the Money Comes From



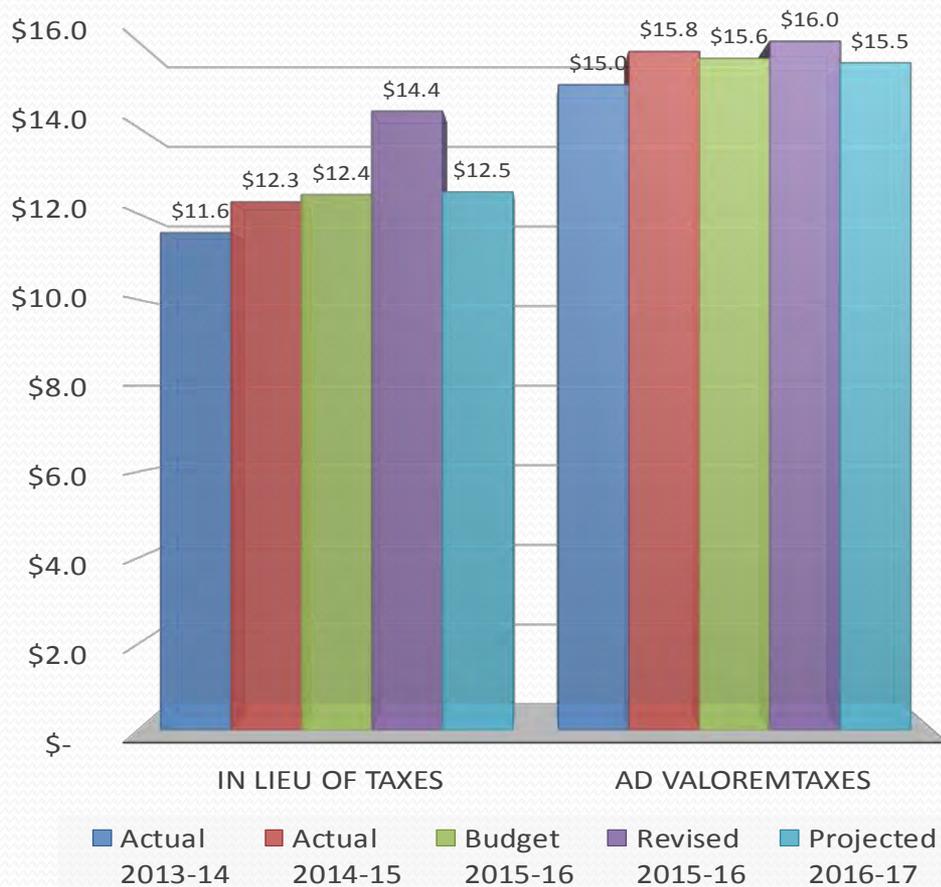


General Fund Revenues

Revenues: <i>(in millions)</i>	Actual 2014-15	Budget 2015-16	Estimated 2015-16	Projected 2016-17	Percent Change
General Property Taxes	15.984	15.829	16.275	15.729	-0.63%
Franchise Taxes	2.412	2.196	2.191	2.191	-0.23%
Sales Taxes	4.979	4.869	4.700	4.425	-9.11%
Industrial Payments	12.269	12.437	14.378	12.500	0.51%
Other Taxes	0.096	0.090	0.095	0.090	0.00%
Licenses & Permits	1.347	0.447	0.467	0.417	-6.61%
Fines Forfeits	1.759	1.604	1.593	1.598	-0.35%
Charges for Services	4.235	4.184	4.237	4.009	-4.18%
Parks & Recreation	0.267	0.215	0.239	0.234	8.70%
Recreation & Fitness	0.197	0.220	0.220	0.220	0.00%
Golf Course	0.898	1.003	1.019	1.054	5.16%
Intergovernmental	-	-	-	0.025	
Miscellaneous	0.450	0.038	0.151	0.086	126.84%
Operating Transfers	0.125	0.124	0.124	0.125	0.60%
Interest	0.140	0.080	0.150	0.150	87.50%
Total Revenues	45.157	43.334	45.839	42.853	-1.11%



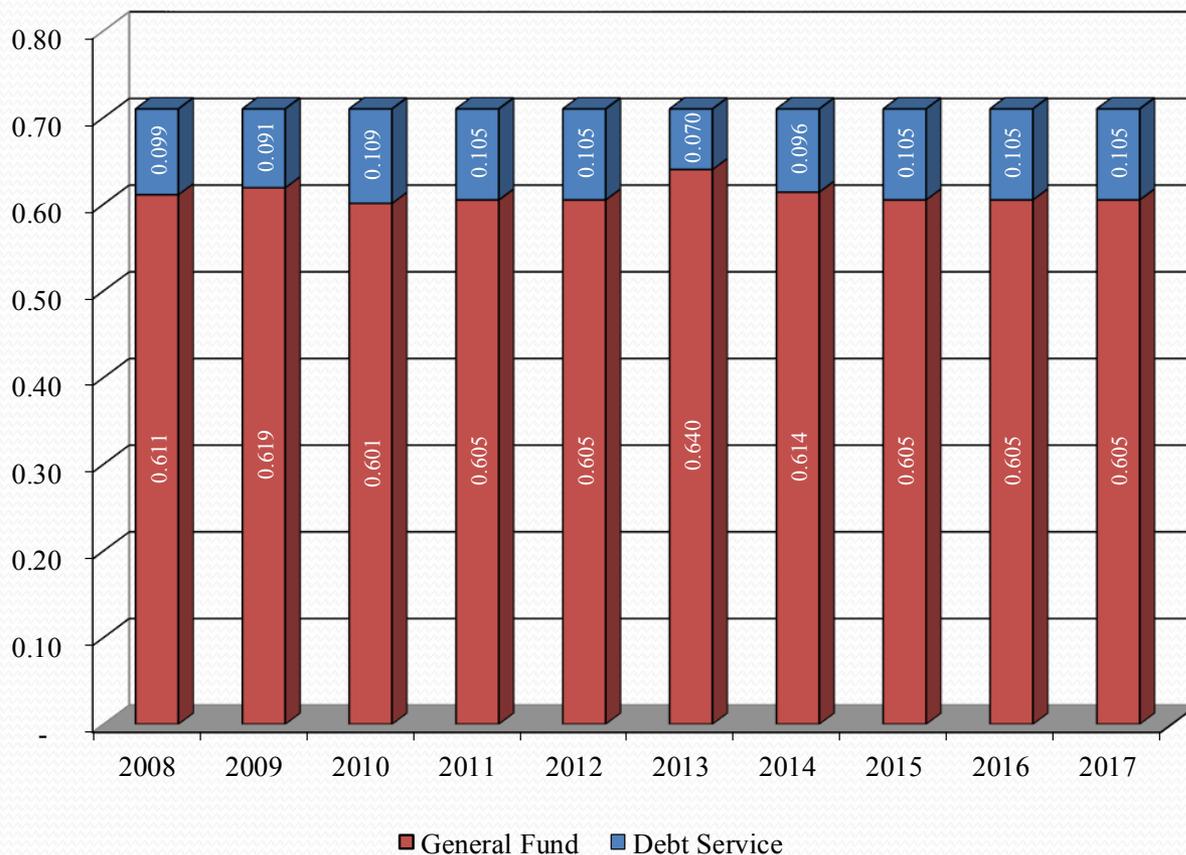
General Fund Revenues In Lieu of Taxes & Ad Valorem Taxes





Property Tax Rate*

Last Ten Fiscal Years



*Council has not raised in 28 years



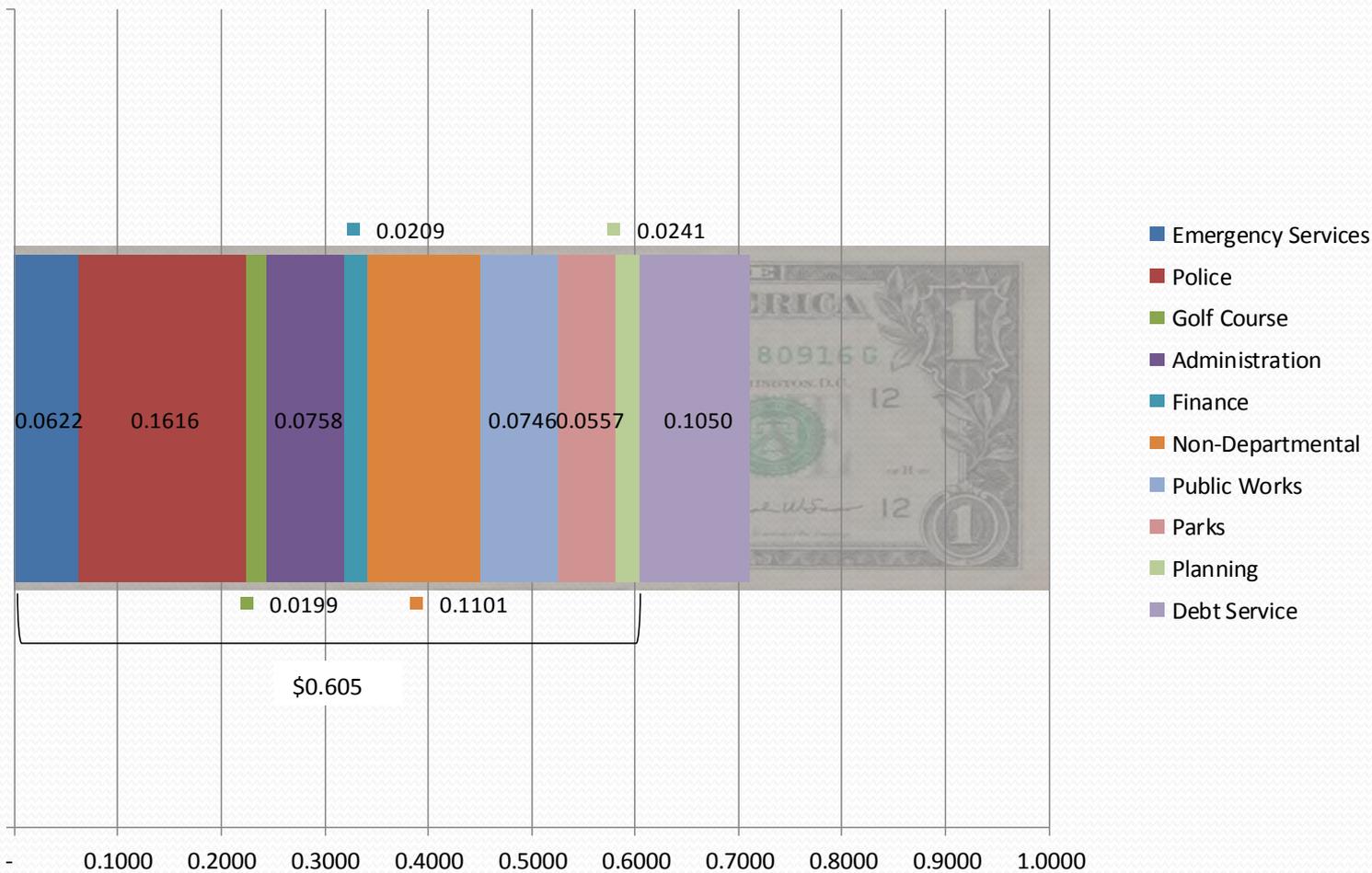
What you get for your tax dollars

- Average Home Value - \$150,213*
- City taxes paid by average household per year - \$853.21
- Per month - \$71.10 to support these city services:
 - 24 hour Police Protection
 - 24 hour Emergency Medical Services
 - 24 hour Fire Protection
 - Animal Control services
 - Maintenance of all city streets
 - Park facilities, including softball fields
 - Recreational facilities & activities
 - Building Inspections & permitting services
 - Code Enforcement Services

*Based on 2016 average home value with 20% homestead exemption.
(\$0.71/\$100 Valuation)



Tax Rate Breakdown by Department





Industrial Payments Historical Trends

	Budget		
	Projection	Actual	Variance
2007	6,836,257	7,987,846	1,151,589
2008	7,500,000	7,759,647	259,647
2009	9,860,078	10,181,383	321,305
2010	8,718,883	10,464,176	1,745,293
2011	10,000,000	9,937,767	(62,233)
2012	9,900,000	10,471,444	571,444
2013	10,530,376	11,086,500	556,124
2014	11,086,500	11,554,949	468,449
2015	12,054,598	12,269,152	214,554
2016	12,436,672	14,377,588	1,940,916



General Fund Revenues

Sales Tax, Franchise Taxes, Residential Solid Waste and Interest



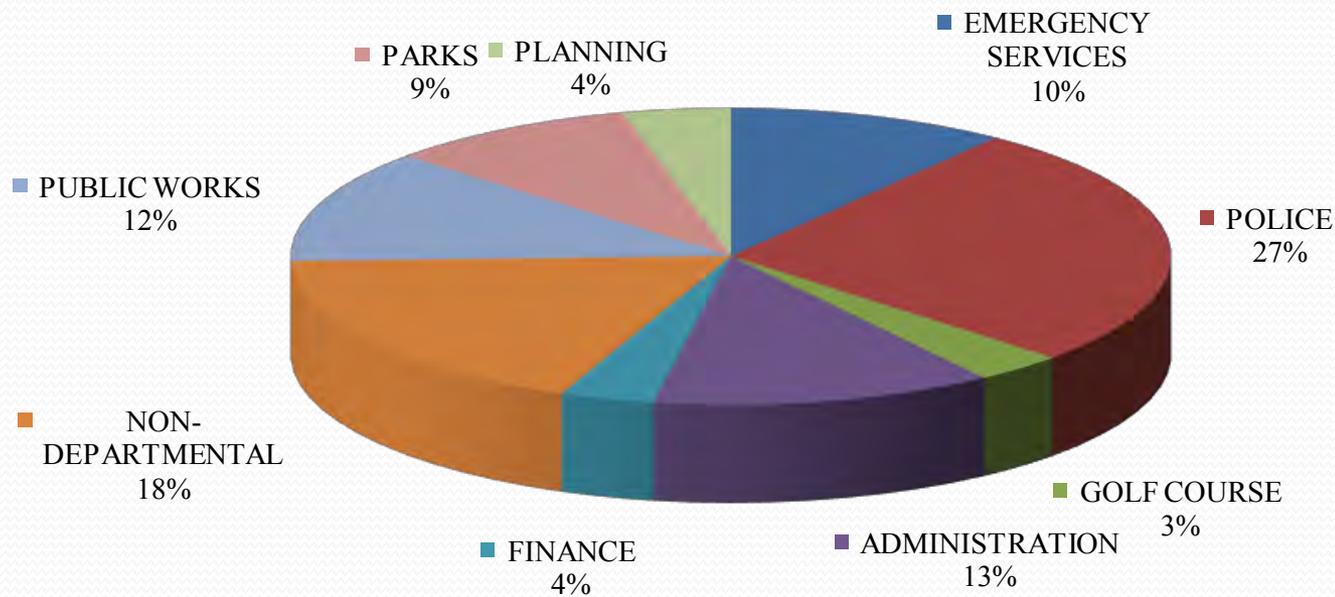


General Fund

- Emergency Services
- Police
- Golf Course
- Administration
- Finance
- Public Works
- Parks & Recreation
- Planning & Engineering



Expenditures by Activity





General Fund Expenditures

Expenditures: <i>(in millions)</i>	Actual 2014-15	Budget 2015-16	Estimated 2015-16	Projected 2016-17	Percent* Change
Emergency Services	4.63	4.88	4.83	4.84	-0.84%
Police	11.77	12.59	12.29	12.58	-0.15%
Golf Course	1.46	1.58	1.56	1.55	-1.81%
Administration	5.27	5.20	5.13	5.90	13.53%
Finance	1.49	1.57	1.58	1.63	4.13%
Non-Departmental	6.74	5.52	5.52	8.57	55.33%
Public Works	5.30	5.59	5.42	5.81	3.82%
Parks	4.20	4.40	4.32	4.34	-1.46%
Planning	1.71	2.21	2.08	1.88	-14.93%
Total Expenditures	42.57	43.54	42.74	47.09	8.16%

**Budget to Budget*

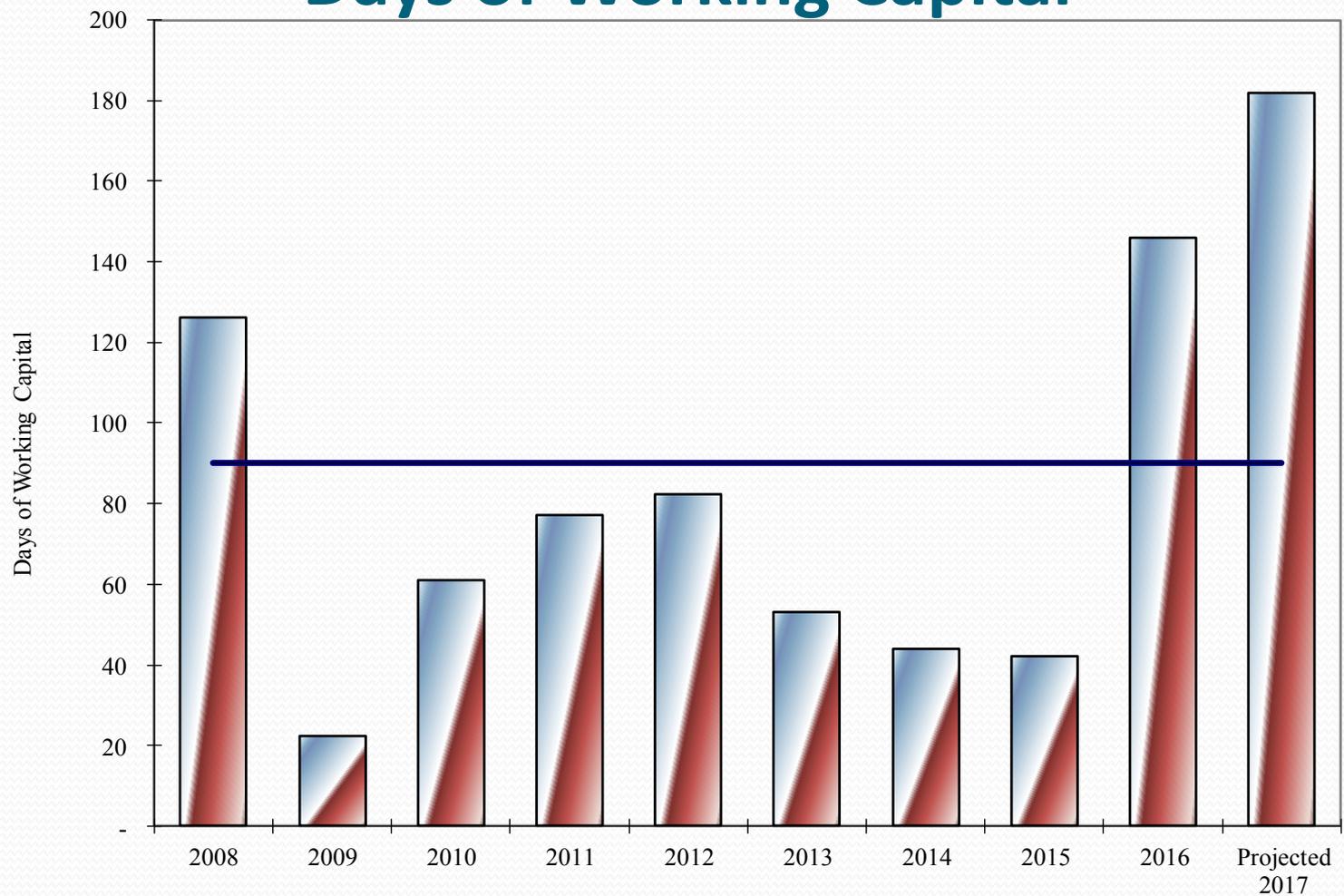


Utility Fund

- Water Production
- Water Distribution
- Wastewater Collection
- Wastewater Treatment
- Utility Billing
- Non-Departmental

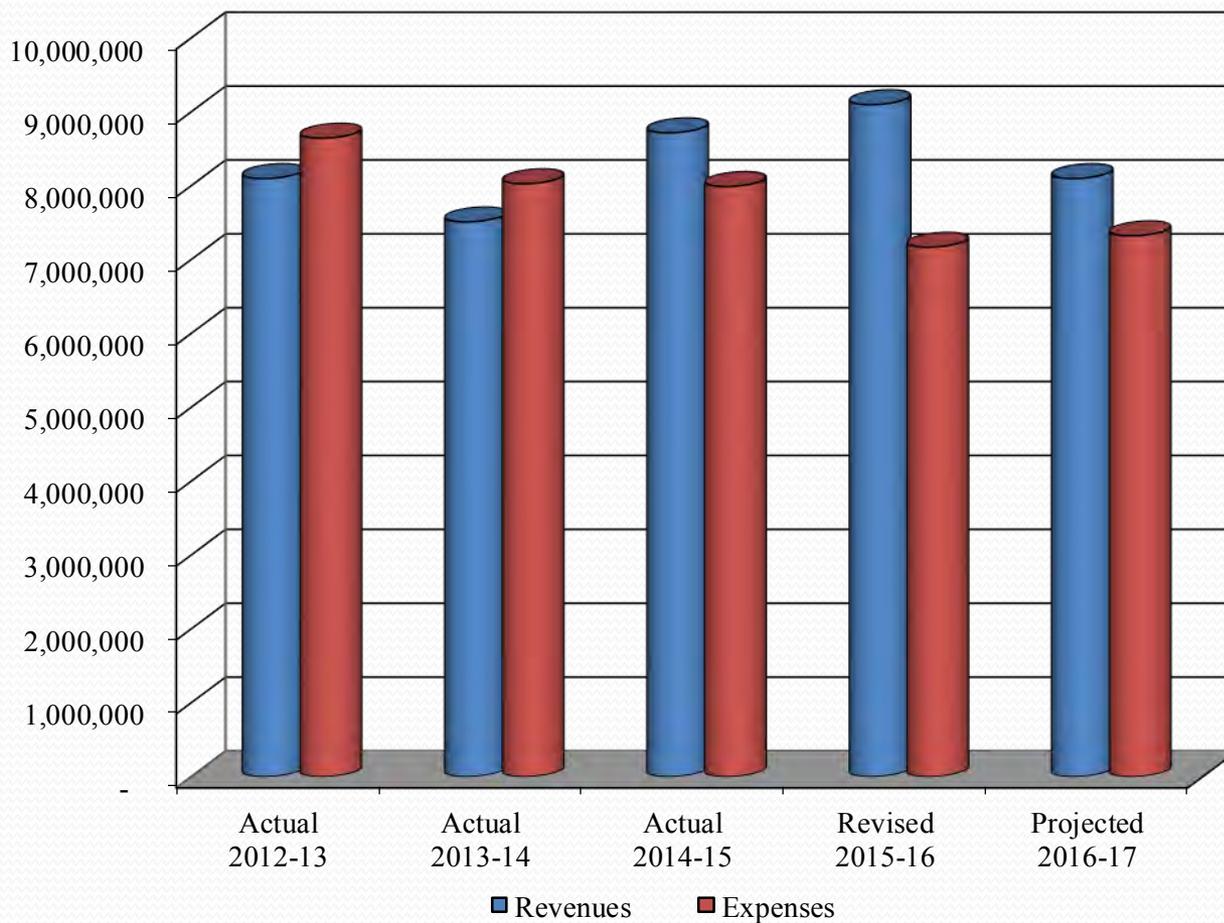


Utility Fund Days of Working Capital



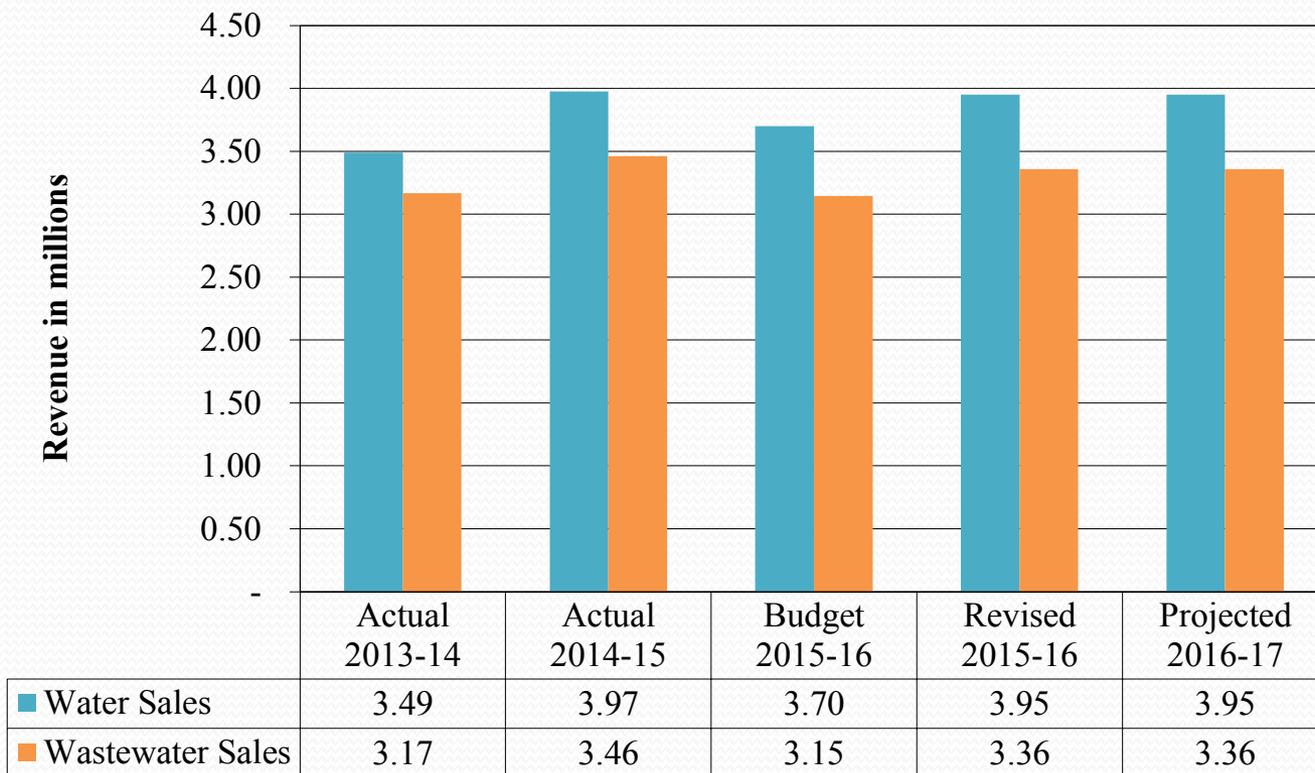


Utility Fund Comparison Revenues vs. Expenses





Water & Sewer Sales Trends



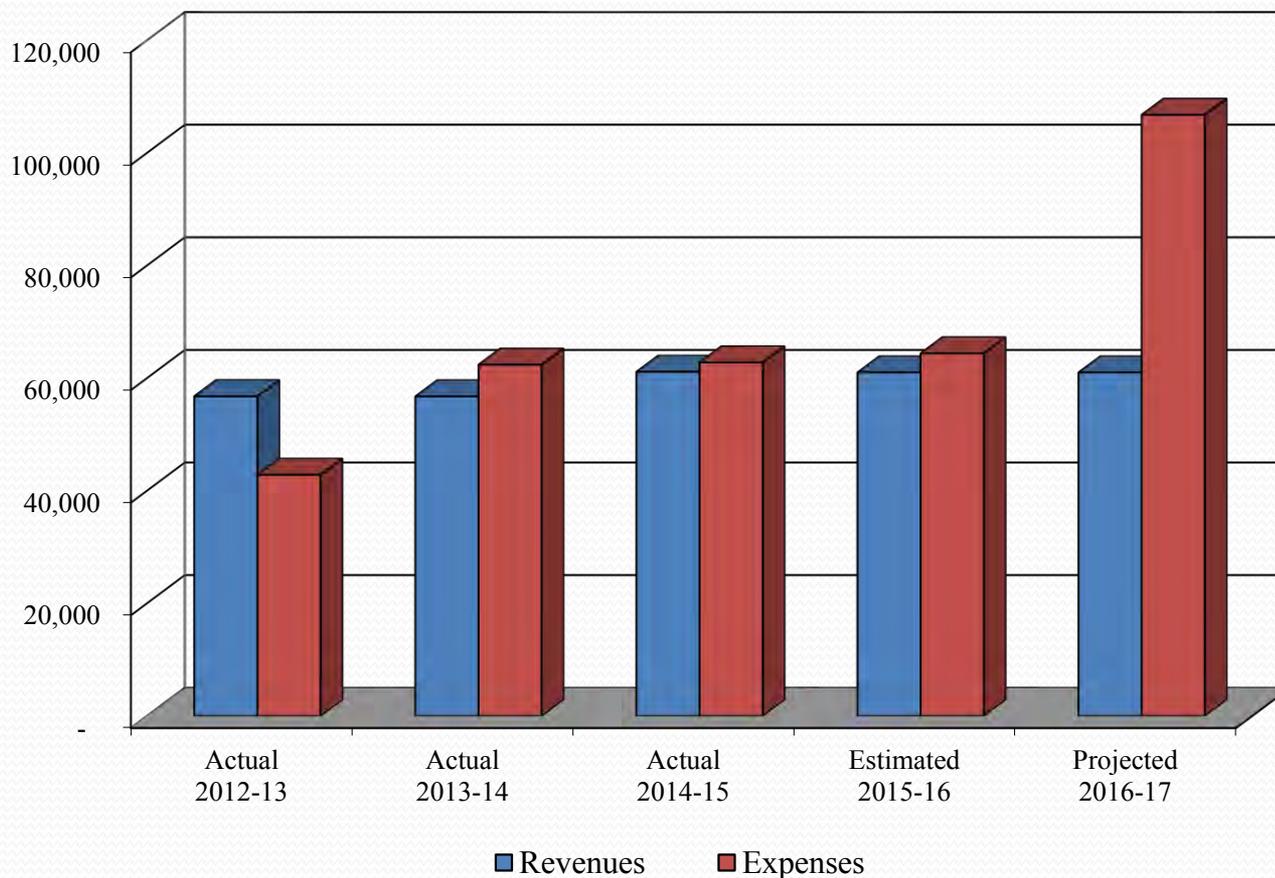


Other Enterprise Funds

- Airport Fund
- La Porte Area Water Authority



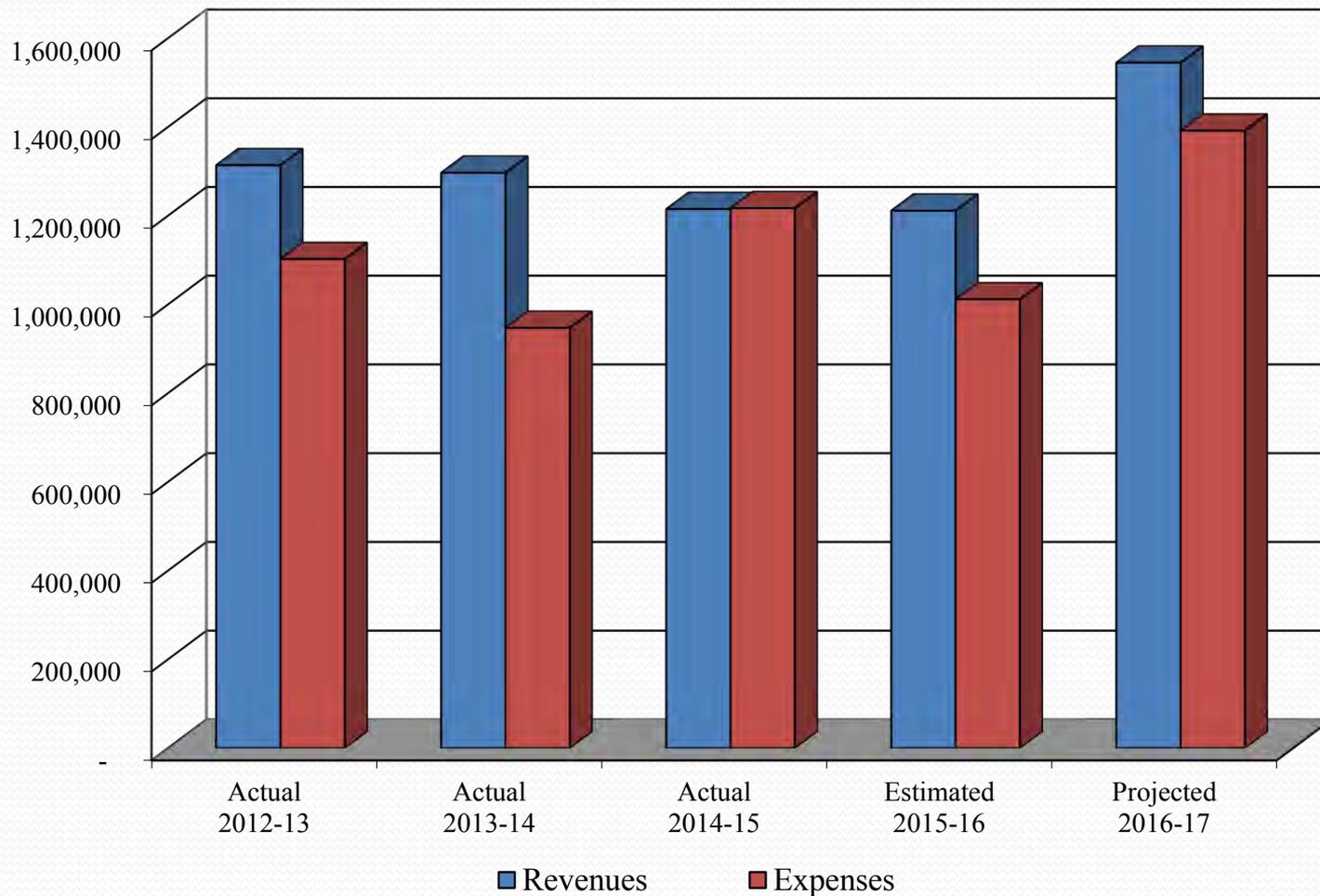
Airport Fund Comparison Revenues vs. Expenses





La Porte Area Water Authority Comparison

Revenues vs. Expenses



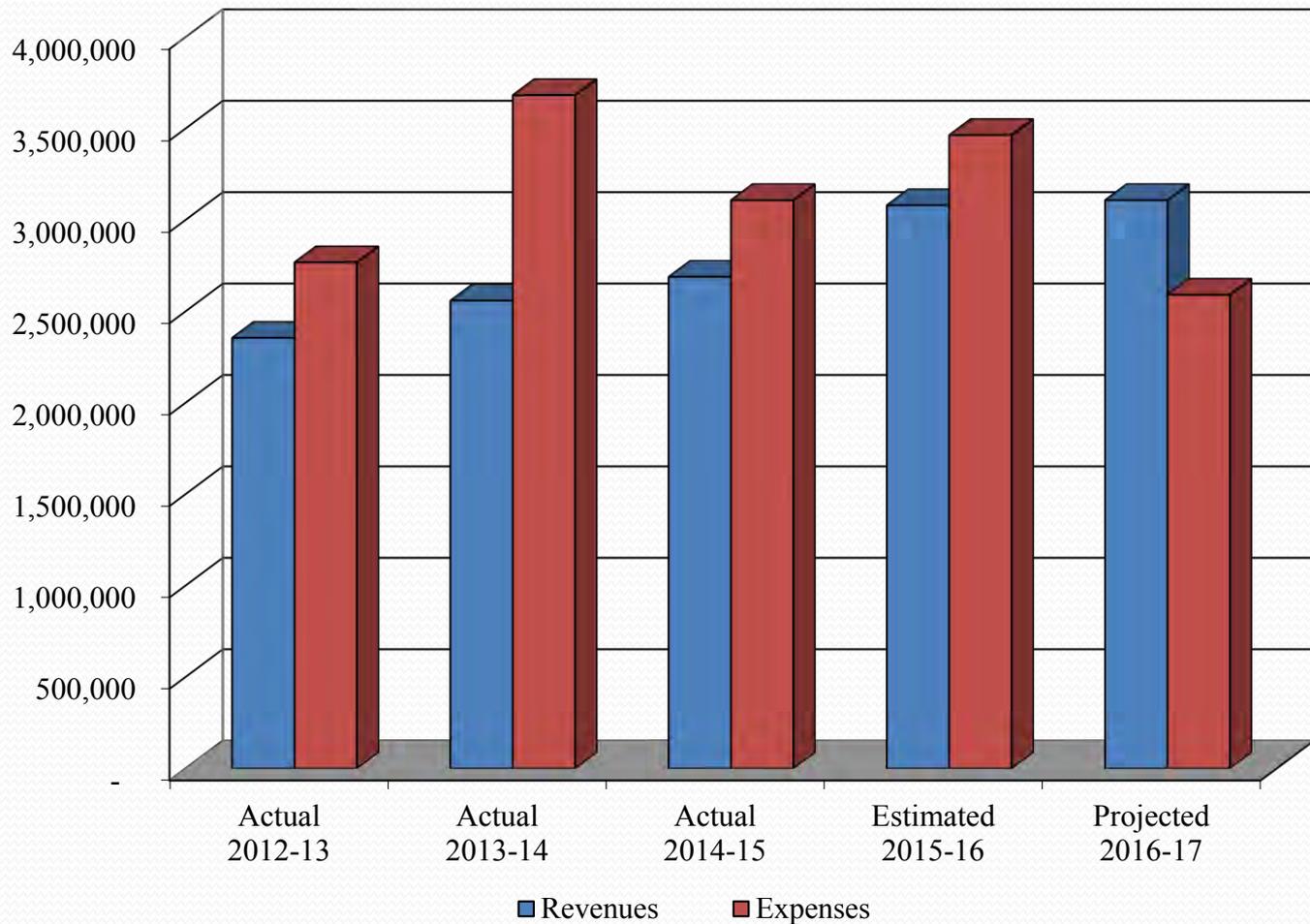


Internal Service Funds

- Motor Pool Fund
 - Maintenance
 - Replacement
- Insurance Fund
 - Employee Health Services
 - Risk Division
- Technology Fund
 - Replacement



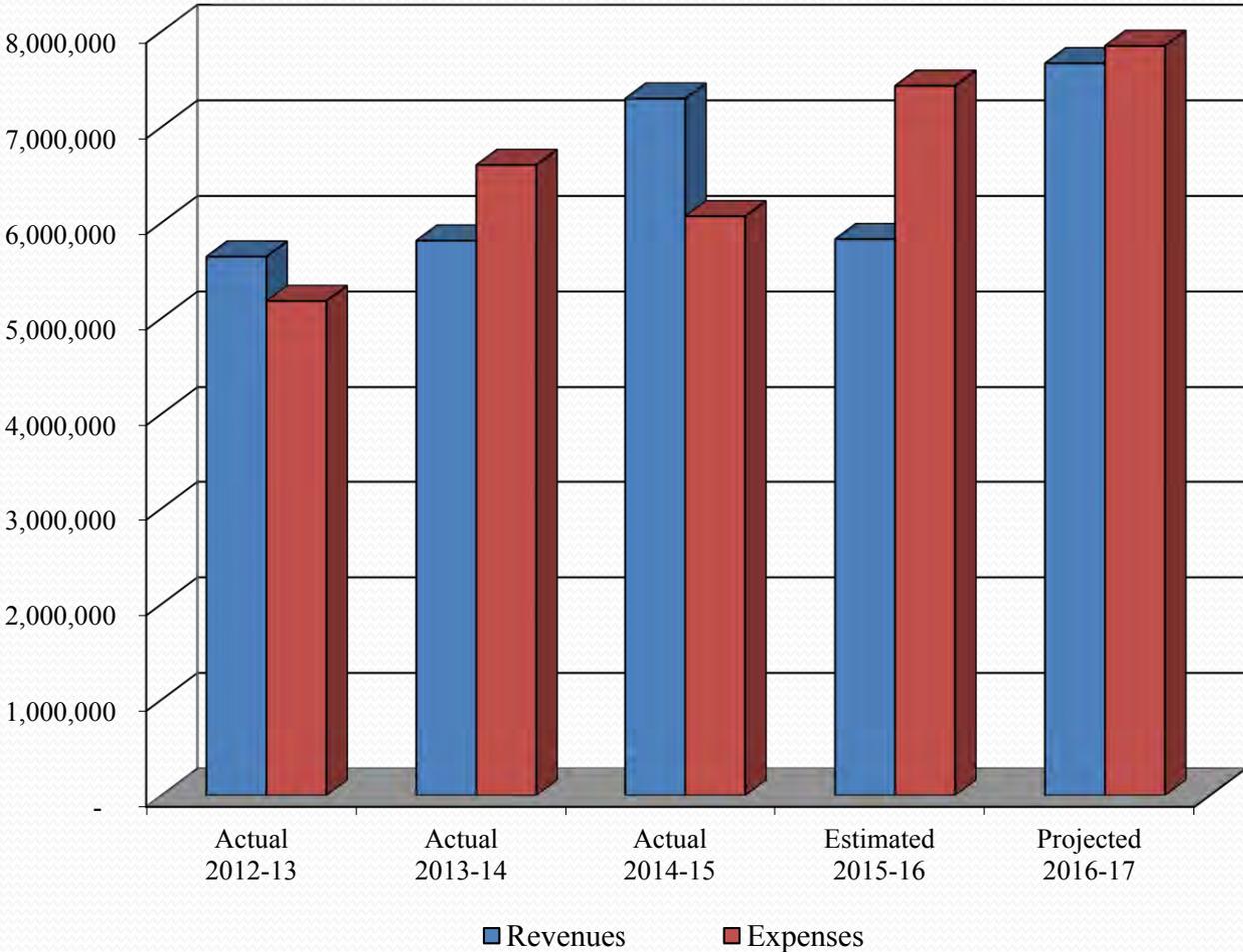
Motor Pool Fund Comparison Revenues vs. Expenses





Insurance Fund Comparison

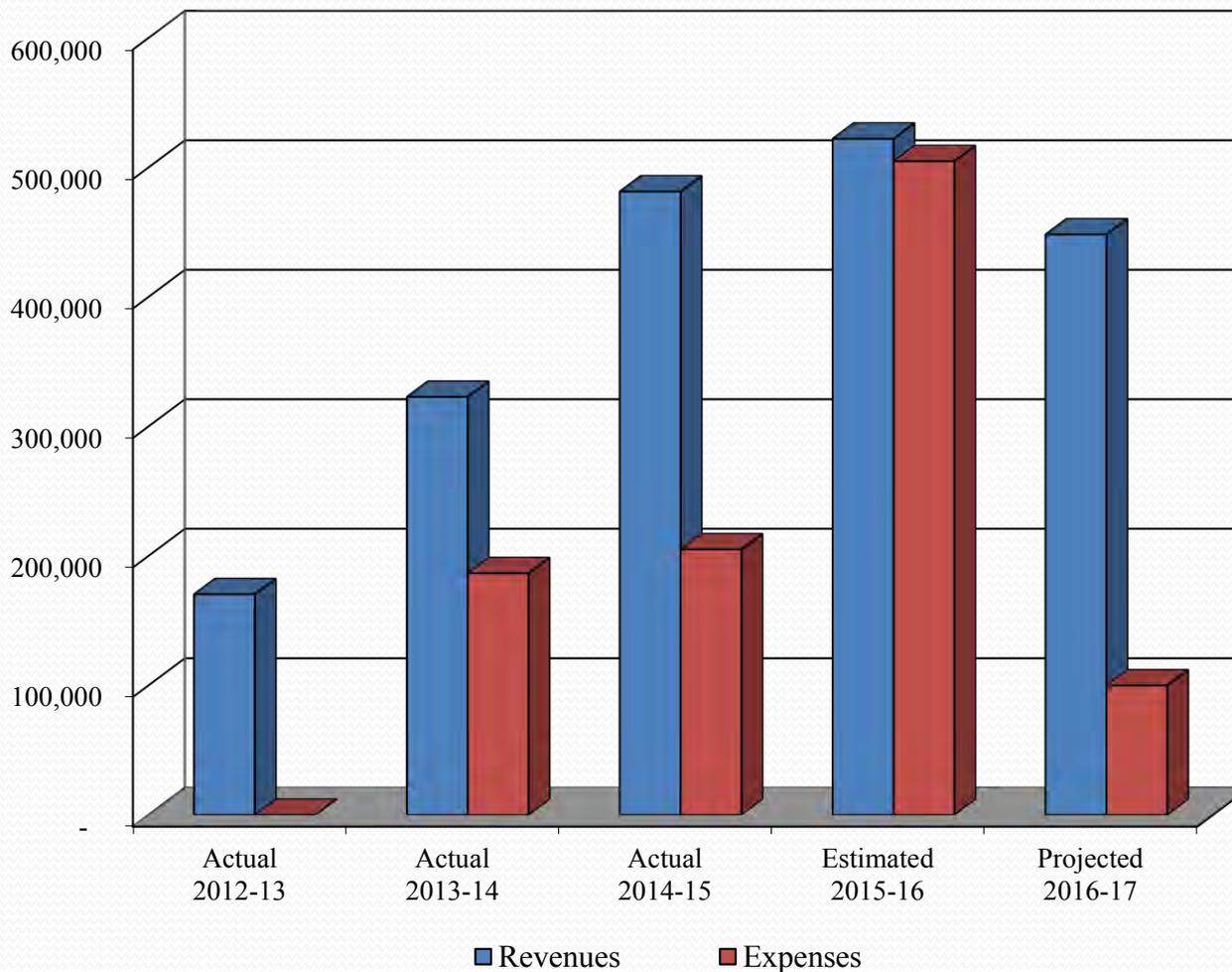
Revenues vs. Expenses





Technology Fund Comparison

Revenues vs. Expenses



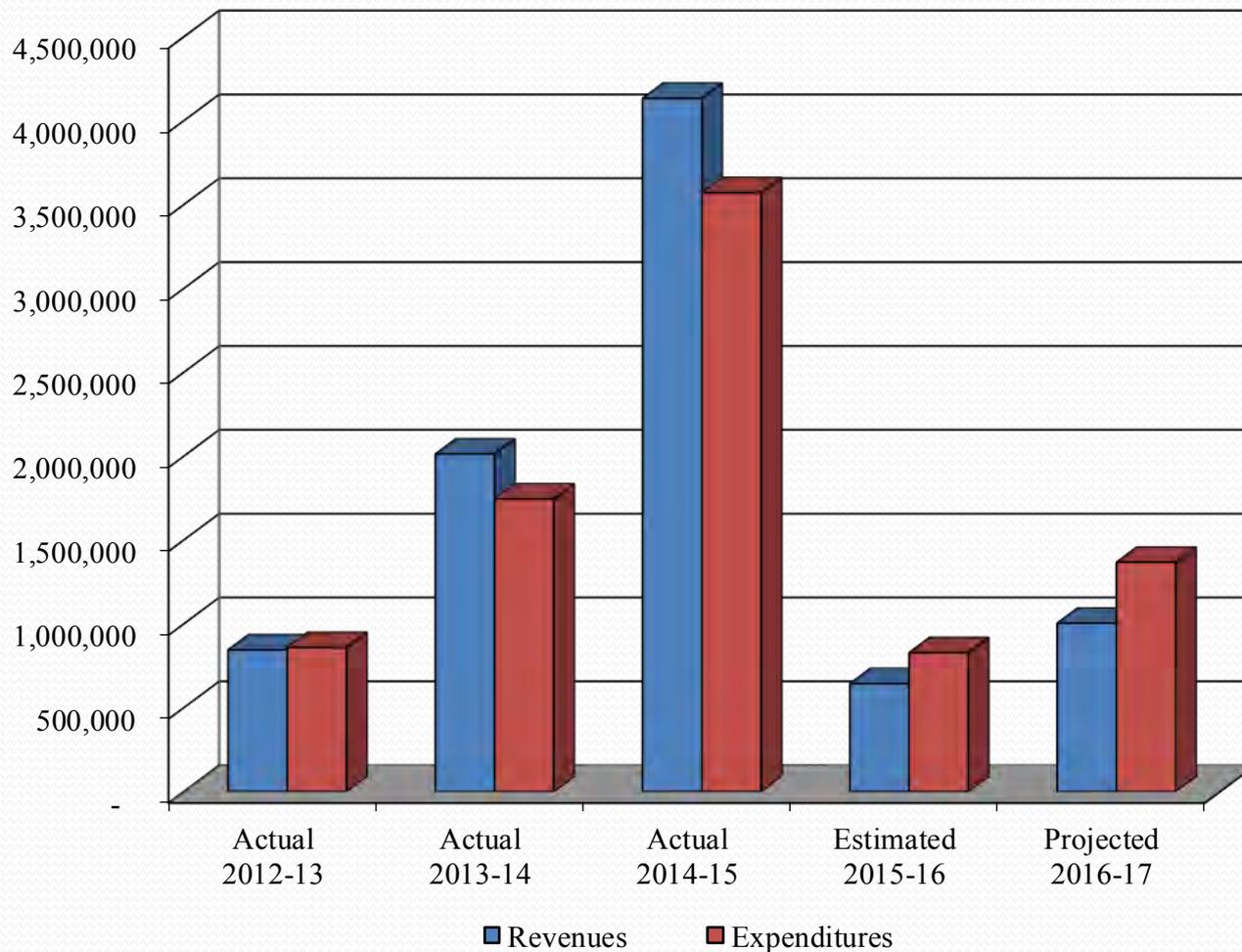


Special Revenue Funds

- Grant Fund
- Street Maintenance Sales Tax Fund
- Emergency Services District Fund
- Hotel/Motel Occupancy Tax
- Economic Development Fund
- TIRZ Fund



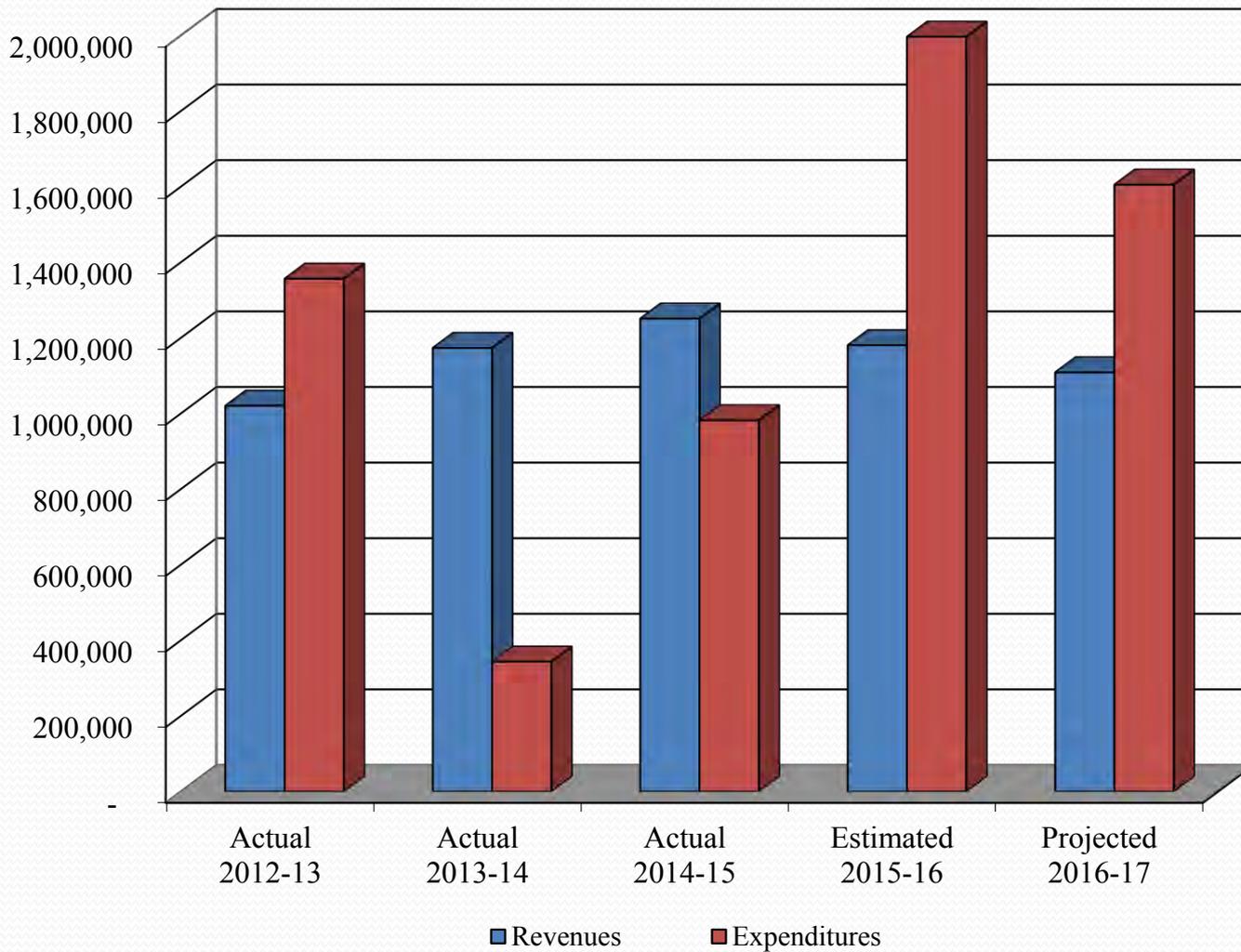
Grant Fund Comparison Revenues vs. Expenditures





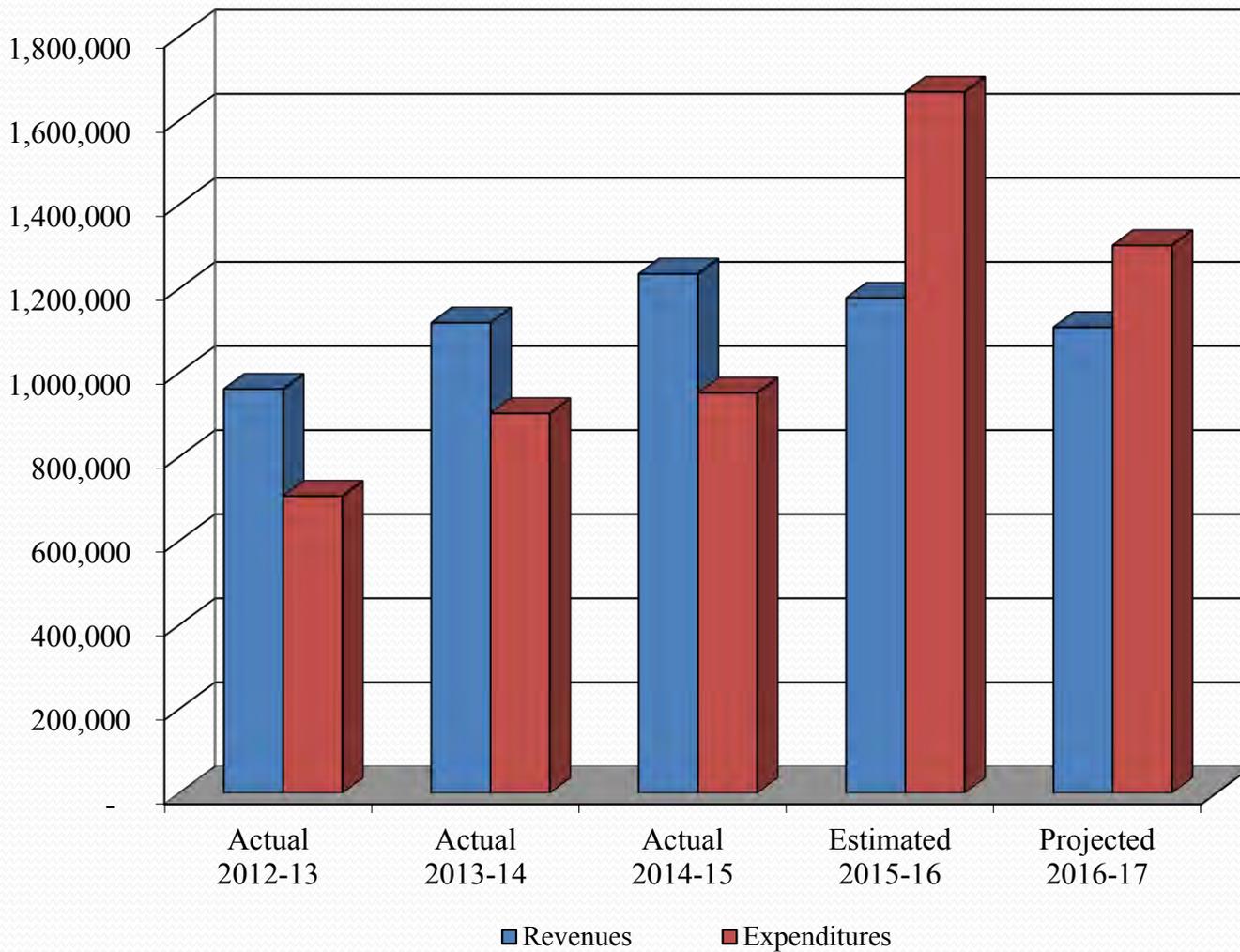
Street Maintenance Sales Tax Fund Comparison

Revenues vs. Expenditures



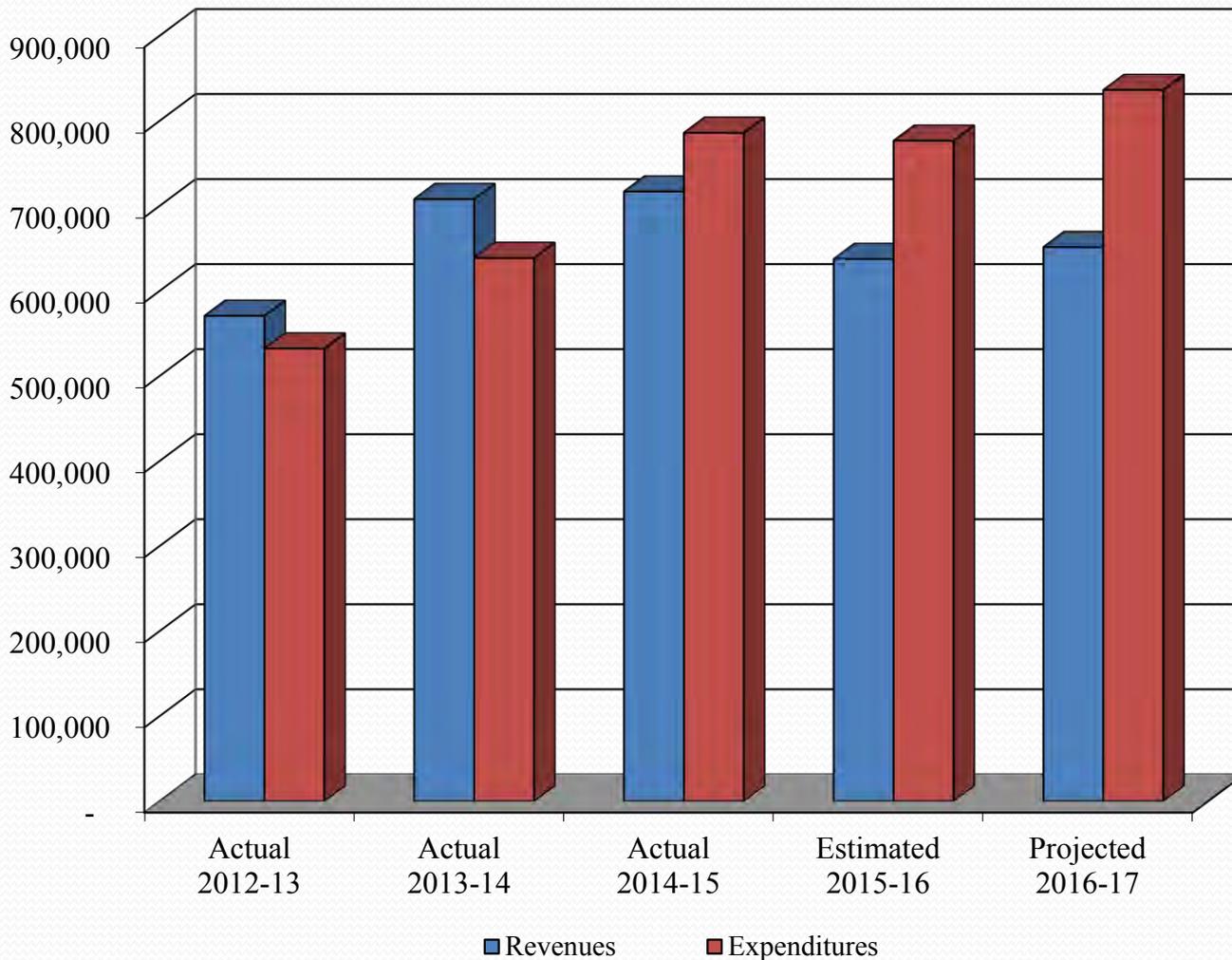


Emergency Services District Fund Comparison Revenues vs. Expenditures



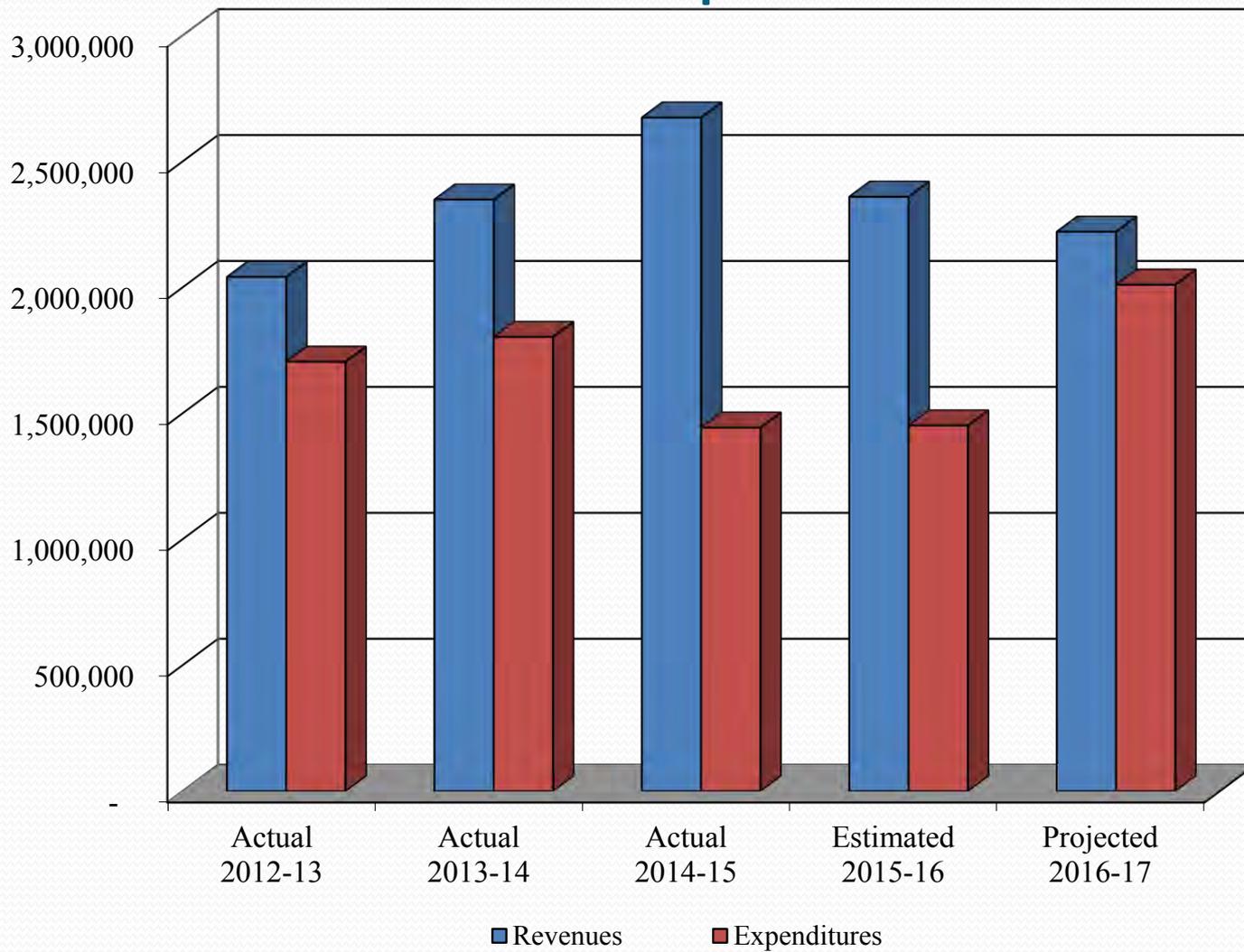


Hotel/Motel Occupancy Tax Fund Comparison Revenues vs. Expenditures





Economic Development Fund Comparison Revenues vs. Expenditures





TIRZ Fund

Fiscal Year 2016-17 Proposed Budget

Estimated Balance 9/30/16:	\$ 621,694
Revenues	6,727,798
Expenditures	<u>6,309,824</u>
Ending Balance 9/30/17:	\$ 1,039,668



Capital Improvement Projects Summary

(In millions)

	Working Capital 09/30/16	FY 16-17 Revenues	FY 16-17 Expenses	Working Capital 09/30/17
Capital Improvement:				
General CIP Fund	1.04	2.36	3.16	0.23
Utility CIP Fund	0.37	2.12	1.04	1.45
Sewer Rehabilitation	0.13	0.30	0.35	0.08
Drainage Improvement Fund	0.45	0.27	0.37	0.35
2010 C/O Bond Fund	-	-	-	-
2015 C/O Bond Fund	3.23	-	3.23	-
Total Capital Improvement	<u>5.21</u>	<u>5.05</u>	<u>8.14</u>	<u>2.12</u>

*Includes CIP contingencies.



General Fund CIP

Project Name	Project Budget
Demolition of former Texas Parks & Wildlife Building	\$ 40,700
Glen Meadows Park Shade Structure	22,150
Original City Hall Renovations	29,100
City Hall Renovations	70,000
Parking Lot Resurfacing at Lomax Park	120,000
Park Replacement	100,000
Restroom/Pavilion at Five Points	400,000
Parking Spaces at Pecan Park	350,000
Police Department HVAC Replacement	150,000



General Fund CIP (cont'd)

Project Name	Project Budget
Golf Maintenance Building Improvements	\$ 27,000
Fairmont Parkway Signalization Project	1,500,000
Drainage Interconnect at Lakes at Fairmont Green	250,000
Contingency	100,000
Total	\$3,158,950



Utility Fund CIP

Project Name	Project Budget
Bayshore Park Subdivision (Seabreeze & Park St) W&S Relocation	\$ 250,000
In-House Water Line Replacement	45,000
Valve Replacement Program (in-house)	25,000
Return Activated Sludge Pump Replacement	50,000
Lift Station Improvements	35,000
Commercial Water Meter Replacement	50,000
Clarifier Drive Replacement	100,000
Design S. Broadway Sanitary Sewer Replacement	60,000
Digester Aeration Piping Replacement	135,000
Meter Replacement Program (Residential)	250,000
Contingency	40,000
Total	\$1,040,000



Airport CIP

Project Name	Project Budget
AWOS IV	\$ 50,000
Runway, Taxi, Tie Down Rehabilitation Design	30,000
Total	\$ 80,000



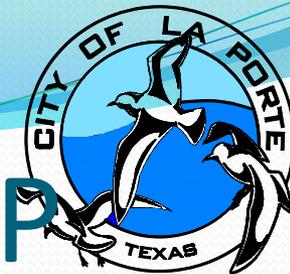
Sewer Rehabilitation Fund CIP

Project Name	Project Budget
Sanitary Sewer Rehabilitation	\$ 350,000
Total	\$ 350,000



Drainage Fund CIP

Project Name	Project Budget
TV Inspection of Storm Sewer System	\$ 20,000
Drainage Study at the Airport	15,000
Browning and Golden Drainage Improvements	330,000
Total	\$365,000



Street Maintenance Fund CIP

Project Name	Project Budget
Street Inspection Rating Update	\$ 28,000
Handicap Ramp and Sidewalk Replacement	300,000
Asphalt Street Surfacing	700,000
Concrete Repair (Small Sections)	200,000
Concrete Repair (Slab Jacking)	40,000
Street Repair Material (in-house)	50,000
Pinebluff Subdivision Improvements	207,313
Streets/Drainage Contingency	80,000
Total	\$1,605,313



Infrastructure Bond Fund CIP

Project Name	Project Budget
Pinebluff Subdivision Improvements	\$1,792,687
Coupland Drive Improvements	1,110,000
Design for Drainage Improvements (6 th St/N Madison & W. Main)	150,000
Design Somerton Improvements	150,000
Contingency	25,000
Total	\$3,227,687



Debt Service Summary

(In millions)

	Working Capital 09/30/16	FY 16-17 Revenues	FY 16-17 Expenses	Working Capital 09/30/17
Debt Service:				
General	3.18	3.87	3.91	3.14
Utility	0.02	-	-	0.02
La Porte Area Water Authority	<u>(0.69)</u>	<u>-</u>	<u>0.33</u>	<u>(1.02)</u>
Total Debt Service	2.51	3.87	4.24	2.15

Questions?



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF LA PORTE, TEXAS, FOR THE PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017; FINDING THAT ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTMENT OF SAID BUDGET; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Charter of the City of La Porte, Texas, and the Statutes of the State of Texas, require that an annual budget be prepared and presented to the City Council of the City of La Porte, Texas, prior to the beginning of the fiscal year of said City, and that a public hearing be held prior to the adoption of said Budget; and

WHEREAS, the Budget for the fiscal year October 1, 2016, through September 30, 2017, has heretofore been presented to the City Council and due deliberation had thereon, was filed in the office of the City Secretary on July 28, 2016, and a public hearing scheduled for September 12, 2016 was duly advertised and held.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

SECTION 1: That the Budget for the City of La Porte, Texas, now before the said City Council for consideration, a complete copy of which is on file with the City Secretary and incorporated hereto by reference, is hereby adopted as the Budget for the said City of La Porte, Texas, for the period of October 1, 2016, through September 30, 2017.

SECTION 2: Be it FURTHER ORDAINED, that the said City Council finds that all things requisite and necessary to the adoption of said Budget have been performed as required by charter or statute.

SECTION 3: The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 4: This Ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this the 12th day of September, 2016.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

THE STATE OF TEXAS)

COUNTY OF HARRIS)

CITY OF LA PORTE)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of La Porte will hold a Public Hearing on the 12th day of September 2016, in the Council Chambers of the City Hall, 604 West Fairmont Parkway, La Porte, Texas, beginning at 6:00 P.M. The purpose of this hearing is to provide citizens the opportunity to comment on the overall budget.

This budget will raise less revenue from property taxes than last year's budget by an amount of \$-568,115, which is a -2.75 percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$333,602.

The City of La Porte must, by Charter requirement, adopt its fiscal budget by September 30, 2016. Copies of the adopted budget will be available for public inspection and copying at the office of the City Secretary, City Hall, 604 West Fairmont Parkway, La Porte, Texas, during normal business hours. Copies will also be made available on the City's website.

CITY OF LA PORTE

Patrice Fogarty, TRMC, MMC
City Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS, ADOPTING THE 2016 APPRAISAL ROLL OF THE HARRIS COUNTY APPRAISAL DISTRICT.

WHEREAS, the Harris County Appraisal District has submitted to the City Council of the City of La Porte, for approval, the 2016 tax appraisal roll; and

WHEREAS, the City Council is of the opinion that the 2016 appraisal roll with the amounts shown therein should be adopted;

WHEREAS, the Harris County Appraisal District has certified to the City Council that there was situated in the City of La Porte, as of January 1, 2016, property with a total appraised value of \$3,334,502,240.00 and a total taxable value of \$2,737,544,148.00.

WHEREAS, new personal property added to the appraisal roll had a total taxable value of \$46,986,179 as of January 1, 2016;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, THAT:

Section 1. the 2016 taxable roll in the amount of \$2,737,544,148.00, as submitted by the Harris County Appraisal District is hereby adopted;

Section 2. the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the offices of City of La Porte for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

PASSED AND APPROVED this the 12th day of September, 2016.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

HARRIS COUNTY APPRAISAL DISTRICT
HOUSTON, TEXAS

THE STATE OF TEXAS, }
COUNTY OF HARRIS. }

2016
CERTIFICATION OF APPRAISAL ROLL AND
LISTING OF PROPERTIES UNDER SECS. 26.01(c) AND (d)
FOR
City of Laporte

Pursuant to Section 26.01(a), Texas Tax Code, I hereby certify the 2016 appraisal roll of properties taxable by City of Laporte. The roll is delivered in printed and electronic forms.

The total appraised value now on the appraisal roll for this unit is: \$3,334,502,240

The taxable value now on the appraisal roll for this unit is: \$2,737,544,148

As required by Section 26.01(c), Texas Tax Code, I have included with your roll a listing of those properties which are taxable by the unit but which are under protest and are therefore not included in the appraisal roll values approved by the appraisal review board and certified above. My estimate of the total taxable value which will be assigned to such properties if the owners' claims are upheld by the appraisal review board is: \$227,809,947

Pursuant to Section 26.01(d), Texas Tax code, the estimated value of taxable property not under protest and not yet included on the certified appraisal roll, after hearing loss, is \$232,400,713

Signed this 26th day of August, 2016



Roland Altinger

Roland Altinger, CAE, RPA, CTA
Chief Appraiser

ASSESSOR'S ACKNOWLEDGEMENT

As tax assessor/collector of the above-named taxing unit, I hereby acknowledge receipt of the certified 2016 appraisal roll on this the 22nd day of August, 2016

Charlene Piggott

071 CITY OF LAPORTE
 TAX YEAR: 2016

HARRIS COUNTY APPRAISAL DISTRICT
 UNCERTIFIED ROLL SUMMARY 00

LAST UPDATED: 08/12/2016
 DELV DATE: 08/26/2016

TYPE	UNITS	MARKET	APPRAISED	OWNERS VALUE	ESTIMATED FINAL TAXABLE VALUE WITH HEARING LOSS
ACCOUNTS ON HTS	1,654	277,003,020	269,939,287	254,799,256	227,809,947
ACCOUNTS ON PTS	865	150,255,913	140,338,272	132,590,195	106,000,664
OTHER ACCOUNTS	838	178,958,900	177,979,492	158,956,829	126,400,049
TOTAL UNCERTIFIED	3,357	\$606,217,833	\$588,257,051	\$546,346,280	\$460,210,660

HARRIS COUNTY APPRAISAL DISTRICT

071 CITY OF LAPORTE
2016 CERTIFIED APPRAISAL ROLL 00

CERTIFIED YEAR COMPARE REPORT
PROPERTY USE CATEGORY RECAP

LAST UPDATED 08/12/2016

DELV DATE 08/26/2016

PROPERTY USE CATEGORY	YEAR	UNITS	ACREAGE	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
A1 Real, Residential, Single-Family	2016	9,455	2,390.2696	1,354,312,908	0	349,504,637	1,004,808,271
	2015	10,490	2,669.7299	1,376,202,944	0	357,376,727	1,018,826,217
		-0.10%	-0.10%	-0.02%	0.00%	-0.02%	-0.01%
A2 Real, Residential, Mobile Homes	2016	0	0.0000	0	0	0	0
	2015	87	24.5757	2,868,118	0	444,389	2,423,729
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
B1 Real, Residential, Multi-Family	2016	21	69.5449	55,413,132	0	58,422	55,354,710
	2015	23	69.8548	52,258,826	0	53,947	52,204,879
		-0.09%	0.00%	0.06%	0.00%	0.08%	0.06%
B2 Real, Residential, Two-Family	2016	57	10.2396	5,426,512	0	102,143	5,324,369
	2015	74	13.2628	7,333,582	0	94,643	7,238,939
		-0.23%	-0.23%	-0.26%	0.00%	0.08%	-0.26%
B3 Real, Residential, Three-Family	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
B4 Real, Residential, Four- or More-Family	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
C1 Real, Vacant Lots/Tracts	2016	787	200.2114	15,139,832	0	173,977	14,965,855
	2015	1,276	301.2065	21,846,721	0	363,919	21,482,802
		-0.38%	-0.34%	-0.31%	0.00%	-0.52%	-0.30%
C2 Real, Vacant Commercial	2016	478	523.2237	54,656,568	0	0	54,656,568
	2015	627	674.3538	53,536,147	0	299,468	53,236,679
		-0.24%	-0.22%	0.02%	0.00%	0.00%	0.03%
C3 Real, Vacant	2016	32	18.7305	669,716	0	0	669,716
	2015	21	28.8857	587,200	0	16,808	570,392
		0.52%	-0.35%	0.14%	0.00%	0.00%	0.17%
D1 Real, Qualified Agricultural Land	2016	43	368.9589	0	191,497	0	191,497
	2015	51	872.4274	0	225,561	0	225,561
		-0.16%	-0.58%	0.00%	-0.15%	0.00%	-0.15%
D2 Real, Unqualified Agricultural Land	2016	51	768.2244	39,714,337	0	0	39,714,337
	2015	59	823.9267	23,456,729	0	96,727	23,360,002
		-0.14%	-0.07%	0.69%	0.00%	0.00%	0.70%

HARRIS COUNTY APPRAISAL DISTRICT

071 CITY OF LAPORTE
2016 CERTIFIED APPRAISAL ROLL 00

CERTIFIED YEAR COMPARE REPORT
PROPERTY USE CATEGORY RECAP

LAST UPDATED 08/12/2016

DELV DATE 08/26/2016

PROPERTY USE CATEGORY	YEAR	UNITS	ACREAGE	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
E1 Real, Farm & Ranch Improved	2016	4	3.9718	1,469,580	0	473,916	995,664
	2015	5	8.9118	1,514,461	0	542,893	971,568
		-0.20%	-0.55%	-0.03%	0.00%	-0.13%	0.02%
F1 Real, Commercial	2016	582	1,046.8024	617,962,415	0	189,520	617,772,895
	2015	683	1,198.7525	572,947,000	0	2,267,308	570,679,692
		-0.15%	-0.13%	0.08%	0.00%	-0.92%	0.08%
F2 Real, Industrial	2016	54	776.8246	329,980,689	0	0	329,980,689
	2015	61	795.1876	355,936,589	0	2,401,244	353,535,345
		-0.11%	-0.02%	-0.07%	0.00%	0.00%	-0.07%
G1 Oil and Mineral Gas Reserves	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
G2 Real Property Other Mineral Reserves	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
H1 Tangible, Vehicles	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
H2 Tangible, Goods In Transit	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
I1 Real, Banks	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
J1 Real & Tangible Personal, Utility Water	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
J2 Gas Companies	2016	2	0.0000	4,013,510	0	0	4,013,510
	2015	1	0.0000	2,543,810	0	0	2,543,810
		1.00%	0.00%	0.58%	0.00%	0.00%	0.58%
J3 Electric Companies	2016	20	56.4102	21,582,590	0	0	21,582,590
	2015	26	92.3902	20,606,270	0	0	20,606,270
		-0.23%	-0.39%	0.05%	0.00%	0.00%	0.05%

HARRIS COUNTY APPRAISAL DISTRICT

071 CITY OF LAPORTE
2016 CERTIFIED APPRAISAL ROLL 00

CERTIFIED YEAR COMPARE REPORT
PROPERTY USE CATEGORY RECAP

LAST UPDATED 08/12/2016

DELV DATE 08/26/2016

PROPERTY USE CATEGORY	YEAR	UNITS	ACREAGE	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
01 Inventory	2016	0	0.0000	0	0	0	0
	2015	7	0.2870	52,519	0	0	52,519
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
02 Inventory	2016	4	0.0000	625,696	0	0	625,696
	2015	11	0.0000	1,403,187	0	0	1,403,187
		-0.64%	0.00%	-0.55%	0.00%	0.00%	-0.55%
S1 Dealer Inventory	2016	24	0.0000	2,979,589	0	0	2,979,589
	2015	25	0.0000	3,425,167	0	0	3,425,167
		-0.04%	0.00%	-0.13%	0.00%	0.00%	-0.13%
U0 Unknown	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XA Public Property for Housing Indigent Persons	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XB Income Producing Personal Property (<\$500)	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XC Mineral Interest (<\$500)	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XD Improving Property for Housing w/ Volunteer Labor	2016	0	0.0000	0	0	0	0
	2015	2	0.0000	30,126	0	30,126	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XE Community Housing Development Organizations	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XF Assisting Ambulatory Health Care Centers	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XG Primarily Performing Charitable Functions	2016	2	2.0088	704,020	0	704,020	0
	2015	2	2.0088	667,176	0	667,176	0
		0.00%	0.00%	0.06%	0.00%	0.06%	0.00%

HARRIS COUNTY APPRAISAL DISTRICT

071 CITY OF LAPORTE
2016 CERTIFIED APPRAISAL ROLL 00

CERTIFIED YEAR COMPARE REPORT
PROPERTY USE CATEGORY RECAP

LAST UPDATED 08/12/2016

DELV DATE 08/26/2016

PROPERTY USE CATEGORY	YEAR	UNITS	ACREAGE	APPRAISED	PRODUCTIVITY	EXEMPTIONS	TAXABLE VALUE
XT Limitation on Taxes in Certain Municipalities	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XU Miscellaneous Exemptions	2016	0	0.0000	0	0	0	0
	2015	0	0.0000	0	0	0	0
		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
XV Other Exempt (Incl Public, Religious, Charitable)	2016	884	1,730.5652	245,003,457	0	245,003,457	0
	2015	940	1,824.3921	231,918,682	0	231,918,682	0
		-0.06%	-0.05%	0.06%	0.00%	0.06%	0.00%
JURISDICTION TOTALS:	2016	13,696	8,157.2828	\$3,334,310,743	\$191,497	\$596,958,092	\$2,737,544,148
	2015	17,116	9,591.4501	\$3,689,861,614	\$225,561	\$627,417,517	\$3,062,669,658

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: Michael Dolby Source of Funds: N/A
Department: Finance Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: _____ Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Ordinance
2. Effective Tax Rate Calculation

SUMMARY & RECOMMENDATIONS

The Fiscal Year 2016-17 Budget was built around a tax rate of .71 cents per hundred dollar valuation.

A breakdown of the tax rate is as follows:

General Fund = .605 cents per hundred dollar valuation

Debt Service = .105 cents per hundred dollar valuation

The tax rate of .71 cents is the same rate that has been adopted for the last twenty-eight years.

The Effective Tax Rate = 0.713 cents per hundred dollar valuation, which is the maximum rate without advertisements and a public hearing.

Action Required of Council:

Consider approval or other action of an Ordinance establishing the tax rate for Fiscal Year 2016-17 at 71 cents per hundred dollar valuation.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE LEVYING TAXES UPON TAXABLE PROPERTY LOCATED WITHIN AND SUBJECT TO TAXATION IN THE CITY OF LA PORTE, TEXAS; MAKING APPROPRIATIONS FOR SUPPORT, MAINTENANCE, AND IMPROVEMENT OF THE CITY GOVERNMENT OF SAID CITY OF LA PORTE; FINDING THAT ALL REQUIRED NOTICES HAVE BEEN PUBLISHED AND ALL REQUIRED HEARINGS HELD; CONTAINING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE

Section 1. That there is hereby levied for the fiscal year beginning October 1, 2016, and ending September 30, 2017, on all real property situated and all personal property owned within the taxable limits of the said City of La Porte, on the first day of January, 2016, except so much as may be exempt under the constitution and laws of the United States, this State, and the City of La Porte, the following taxes:

- (1) An Ad Valorem Tax of and at the rate of sixty and five tenths cents (\$.605) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States for the current expenses for the support, maintenance, and improvement of the City Government of said City of La Porte; and
- (2) An Ad Valorem Tax of and at the rate of ten and five tenths cents (\$.105) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States, to pay current interest on and provide one year's sinking fund and to pay all of the Principal and Interest accruing on all outstanding general obligation bonds and certificates of obligation lawfully issued by the City of La Porte.

That this provides the sum of total Ad Valorem tax at the rate of seventy-one cents (\$.71) on the one hundred dollars (\$100.00) cash value thereof, estimated in lawful currency of the United States.

Section 2. All property upon which a rate of taxation is hereinabove levied shall be assessed on a ratio of one hundred percent (100%) of the estimated market value thereof.

Section 3. That the sums hereinafter accruing and collected from the hereinabove taxes so levied be and the same are hereby appropriated for the support, maintenance, and improvement of the City Government of the City of La Porte.

Section 4. The City Council officially finds, determines, recites and declares that all notices required by law have been published, and that a public hearing as required by law was duly called and held, and that all matters prerequisite to the establishment and levy of an ad valorem tax have been accomplished, all as required by the laws of the State of Texas, and the Home Rule Charter of the City of La Porte.

Section 5. If any section, sentence, phrase, clause, or any part of any section, sentence, phrase, or clause, of this Ordinance shall, for any reason, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance, and it is hereby declared to be the intention of this City Council to have passed each section, sentence, phrase, or clause, or part thereof, irrespective of the fact that any other section, sentence, phrase, or clause, or part thereof, may be declared invalid.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 7. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required.

Section 8. This Ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED this the 12th day of September, 2016.

CITY OF LA PORTE, TEXAS

Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty, City Secretary

APPROVED:



Clark T. Askins, Assistant City Attorney

2016 Effective Tax Rate Worksheet

City of La Porte

Date: 08/29/2016 02:08 PM

1. 2015 total taxable value. Enter the amount of 2015 taxable value on the 2015 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹	\$3,062,669,658
2. 2015 tax ceilings. Counties, cities and junior college districts. Enter 2015 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing units adopted the tax ceiling provision in 2015 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$167,615,222
3. Preliminary 2015 adjusted taxable value. Subtract Line 2 from Line 1.	\$2,895,054,436
4. 2015 total adopted tax rate.	\$0.710/\$100
5. 2015 taxable value lost because court appeals of ARB decisions reduced 2015 appraised value. A. Original 2015 ARB Values.	\$72,195,066
B. 2015 values resulting from final court decisions.	\$64,645,852
C. 2015 value loss. Subtract B from A. ³	\$7,549,214
6. 2015 taxable value, adjusted for court-ordered reductions. Add Line 3 and Line 5C.	\$2,902,603,650
7. 2015 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2015. Enter the 2015 value of property in deannexed territory. ⁴	\$0
8. 2015 taxable value lost because property first qualified for an exemption in 2016. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost to freeport or goods-in-transit exemptions.	
A. Absolute exemptions. Use 2015 market value:	\$23,065
B. Partial exemptions. 2016 exemption amount or 2016 percentage exemption times 2015 value:	\$8,035,025
C. Value loss. Add A and B. ⁵	\$8,058,090
9. 2015 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2016. Use only properties that qualified in 2016 for the first time; do not use properties that qualified in 2015.	

A. 2015 market value:	\$0
B. 2016 productivity or special appraised value:	\$0
C. Value loss. Subtract B from A. ⁶	\$0
10. Total adjustments for lost value. Add lines 7, 8C and 9C.	\$8,058,090
11. 2015 adjusted taxable value. Subtract Line 10 from Line 6.	\$2,894,545,560
12. Adjusted 2015 taxes. Multiply Line 4 by Line 11 and divide by \$100.	\$20,551,273
13. Taxes refunded for years preceding tax year 2015. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2015. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. ⁷	\$85,831
14. Taxes in tax increment financing (TIF) for tax year 2015. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0. ⁸	\$738,915
15. Adjusted 2015 taxes with refunds and TIF adjustment. Add Lines 12 and 13, subtract Line 14. ⁹	\$19,898,189
16. Total 2016 taxable value on the 2016 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 18). These homesteads include homeowners age 65 or older or disabled. ¹⁰	
A. Certified values:	\$2,737,544,148
B. Counties: Include railroad rolling stock values certified by the Comptroller's office:	\$0
C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property:	\$0
D. Tax increment financing: Deduct the 2016 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2016 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 21 below. ¹¹	\$194,872,677
E. Total 2016 value. Add A and B, then subtract C and D.	\$2,542,671,471
17. Total value of properties under protest or not included on certified appraisal roll.¹²	
A. 2016 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value. ¹³	\$227,809,947

⁵Tex. Tax Code Section 26.012(15)

⁶Tex. Tax Code Section 26.012(15)

⁷Tex. Tax Code Section 26.012(13)

⁸Tex. Tax Code Section 26.03(c)

⁹Tex. Tax Code Section 26.012(13)

¹⁰Tex. Tax Code Section 26.012(15)

¹¹Tex. Tax Code Section 26.03(c)

¹²Tex. Tax Code Section 26.01(c)

¹³Tex. Tax Code Section 26.04 and 26.041

¹⁴Tex. Tax Code Section 26.04 and 26.041

¹⁵Tex. Tax Code Section 26.012(6)

¹⁶Tex. Tax Code Section 26.012(17)

¹⁷Tex. Tax Code Section 26.012(17)

¹⁸Tex. Tax Code Section 26.04(c)

¹⁹Tex. Tax Code Section 26.04(d)

2016 Rollback Tax Rate Worksheet

City of La Porte

Date: 08/29/2016

26. 2015 maintenance and operations (M&O) tax rate.	\$0.605/\$100
27. 2015 adjusted taxable value. Enter the amount from Line 11.	\$2,894,545,560
28. 2015 M&O taxes.	
A. Multiply Line 26 by Line 27 and divide by \$100.	\$17,512,000
B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2015. Enter amount from full year's sales tax revenue spent for M&O in 2015 fiscal year, if any. Other taxing units enter 0. Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent.	\$0
C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other taxing units enter 0.	\$0
D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in H below. The taxing unit receiving the function will add this amount in H below. Other taxing units enter 0.	\$0
E. Taxes refunded for years preceding tax year 2015: Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015.	\$73,146
F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance.	\$0
G. Taxes in TIF: Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2016 captured appraised value in Line 16D, enter 0.	\$837,562
	\$16,747,584

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 12, 2016</u>	<u>Appropriation</u>
Requested By: <u>Ken Adcox</u>	Source of Funds: _____
Department: <u>Police</u>	Account Number: _____
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. Marked Version Ordinance**
- 2. Clean Version Ordinance**

SUMMARY & RECOMMENDATIONS

Staff is requesting an amendment to Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-97 "School zones," of the Code of Ordinances, La Porte, Texas, adjusting the posted school zone speed limit on the portion of Spencer Highway adjacent to Rizzuto Elementary from 20 mph to 30 mph.

This recommendation is based on a recent speed study conducted by Harris County at the request of the City of La Porte.

Specifically, this change would impact West Main (Spencer Highway) from a point 530 feet east of Farrington Boulevard to a point 280 feet west of Farrington Boulevard, a distance of 810 feet, 0.153 miles.

It should be noted that the City has also requested that Harris County study the school zone speed limit on Spencer Highway adjacent to the Baker campus. Harris County is not yet ready to issue a recommendation on this portion of roadway.

Action Required of Council:

Consider approval or other action of an ordinance amending Chapter 70, Section 70-97 of the Code of Ordinances.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES BY REVISING CERTAIN REGULATIONS RELATED TO ESTABLISHMENT OF SCHOOL ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-97 "School zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"Sec. 70-97. - School zones.

(a) No person shall drive a vehicle on any portion of a public street or highway designated as a school zone at a speed greater than is reasonable and prudent under the circumstances then existing. Notwithstanding any other provisions of this division, the prima facie reasonable and prudent maximum speed applicable to the operator of a motor vehicle in any of the school zones designated below shall be a speed of twenty (20) miles per hour or thirty miles per hour, as established in accordance with this section:

Twenty (20) miles per hour school zones:

- (1) Along Park Street from San Jacinto to Fairmont Parkway, a distance of 700 feet, 0.133 miles.
- (2) Along Fairmont Parkway from Park Street to South Broadway, a distance of 1,800 feet, 0.34 miles.
- (3) Along Texas Avenue from Fairmont Parkway to East G Street, a distance of 1,400 feet, 0.27 miles.
- (4) Along East G Street from South Broadway to San Jacinto, a distance of 1,500 feet, 0.28 miles.
- (5) Along South Broadway from a point 250 feet south of East G Street to a point 75 feet south of East B Street, a distance of 2,525 feet, 0.48 miles.
- (6) Along San Jacinto from a point 20 feet south of East B Street to a point 500 feet south of East G Street, a distance of 2,630 feet, 0.498 miles.
- (7) Along East C Street from San Jacinto to South Broadway, a distance of 650 feet, 0.123 miles.
- (8) Along West Tyler from North 2nd Street to North 3rd Street, a distance of 330 feet, 0.06 miles.

- (9) Along North 2nd Street from West Madison to West Adams, a distance of 950 feet, 0.18 miles.
- (10) Along North 3rd Street from West Madison to West Adams, a distance of 950 feet, 0.18 miles.
- (11) Along North L Street from a point 50 feet west of Alvy Drive to a point 175 feet west of Lomax School Road, a distance of 2,400 feet, 0.454 miles.
- (12) Along Willmont from a point 100 feet north of Fairmont Parkway to a point 100 feet south of Shell Rock, a distance of 1,200 feet, 0.227 miles.
- (13) Along Clairmont from Roseway to Rosemont, a distance of 600 feet, 0.114 miles.
- (14) Along Rosemont from Clairmont to Parkway, a distance of 600 feet, 0.114 miles.
- (15) Along Parkway from Willmont to Rosemont, a distance of 250 feet, 0.047 miles.
- (16) Along Roseway from Clairmont to Roseberry, a distance of 500 feet, 0.095 miles.
- (17) Along Cedarment from a point 50 feet north of Stonemont to Myrtle Creek, a distance of 1,150 feet, 0.218 miles.
- (18) Along Myrtle Creek from Antrim to West Main, a distance of 600 feet, 0.114 miles.
- (19) Along Carlow from a point 200 feet east of Catlett to Cedarment, a distance of 500 feet, 0.095 miles.
- (20) Along West Main from a point 200 feet east of Underwood Road to a point 200 feet east of Myrtle Creek, a distance of 1,150 feet, 0.218 miles.
- (21) Along Underwood Road from a point 30 feet north of Andricks to a point 100 feet south of Carlow, a distance of 1,480 feet, 0.280 miles.
- ~~(22) Along West Main from a point 530 feet east of Farrington Boulevard to a point 280 feet west of Farrington Boulevard, a distance of 810 feet, 0.153 miles.~~
- ~~(23)~~ (22) Along Farrington Boulevard from West Main to a point 850 feet south of West Main, a distance of 850 feet, 0.161 miles.
- ~~(24)~~ (23) Along North L Street, from a point 175 feet west of Mockingbird Lane, to a point 65 feet east of Meadowlark Lane, a distance of 1,450 feet, 0.27 miles.
- ~~(25)~~ (24) Along Myrtle Creek from West Main Street, (also known as Spencer Highway) to Sugar Creek, a distance of 1,469 feet, 0.278 miles.
- ~~(26)~~ (25) Along Mockingbird Lane from North H Street to North L Street, a distance of 1,800 feet, 0.341 miles.
- ~~(27)~~ (26) Along Meadowlark Lane from North H Street to North L Street, a distance of 1,800 feet, 0.341 miles.

~~(28)~~ (27) Along South First Street from West H Street to West I Street, a distance of 505 feet, 0.096 miles.

~~(29)~~ (28) Along BS 146 D from 486 feet South of West B Street to East H Street, a distance of approximately 0.591 miles.

~~(30)~~ (29) Along McCabe Road from the east line of the right-of-way for State Highway 146 to the Harris County Flood Control District drainage easement, a distance of approximately 1,328 feet, 0.25 miles.

Thirty (30) miles per hour school zones:

(1) Along West Main from a point 530 feet east of Farrington Boulevard to a point 280 feet west of Farrington Boulevard, a distance of 810 feet, 0.153 miles.

(b) The twenty (20) miles per hour **and thirty (30) miles per** speed limits established in this section shall be in effect on days when 1) school classes are in session and 2) when appropriate signage giving notice thereof is erected at the entrance point of the school zone. Such signage shall state that the maximum speed limit is twenty (20) miles per hour **or thirty (30) miles per** and indicate the times during which the school zone is in effect or operation, or alternatively, shall state that the maximum speed limit is twenty (20) miles per hour **or thirty (30) miles per** when lights are flashing and shall be accompanied by a flashing beacon or light during the times the school zone is in effect or operation.

(c) School zone hours for the school zones listed in this section are hereby established as follows: between 7:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m., Monday through Friday, on days in which school classes are in session; except for those school zones described in subsections (a)(5), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), and (a)(24)(**23**) of this section, which shall have school zone hours in effect between 7:00 a.m. and 9:00 a.m., and between 3:00 p.m. and 5:00 p.m., and subsection (a)(~~28~~)(**27**) of this section, which shall have school zone hours in effect between 7:00 a.m. and 4:00 p.m. All schools open all year shall be additionally signed "all year."

(d) School zone signs equipped with flashing beacons or lights in lieu of posted school zone hours, may be activated anytime school classes are in session, including but not limited to use for summer school hours and for use during early dismissals or other special school functions. A school zone activated in this manner is enforceable under the terms of this ordinance notwithstanding the fact that it is outside of the school zone hours established in the preceding paragraph.

(e) It shall be an affirmative defense to a charge of exceeding the speed limit in a school zone as established in this section, if on the day in question there were no school classes in session at the specific designated school zone."

Section 2. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO HUNDRED DOLLARS (\$200.00).

Section 3. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or

unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of _____, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:

Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 70 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES BY REVISING CERTAIN REGULATIONS RELATED TO ESTABLISHMENT OF SCHOOL ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF LA PORTE; PROVIDING A REPEALING CLAUSE; CONTAINING A SEVERABILITY CLAUSE; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1: That Chapter 70, "Traffic and Vehicles," Article III, "Operation of Vehicles," Division 2. "Speed Limits", Section 70-97 "School zones," of the Code of Ordinances, La Porte, Texas, is hereby amended to read as follows:

"Sec. 70-97. - School zones.

(a) No person shall drive a vehicle on any portion of a public street or highway designated as a school zone at a speed greater than is reasonable and prudent under the circumstances then existing. Notwithstanding any other provisions of this division, the prima facie reasonable and prudent maximum speed applicable to the operator of a motor vehicle in any of the school zones designated below shall be a speed of twenty (20) miles per hour or thirty miles per hour, as established in accordance with this section:

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- (4) Along East G Street from South Broadway to San Jacinto, a distance of 1,500 feet, 0.28 miles.
- (5) Along South Broadway from a point 250 feet south of East G Street to a point 75 feet south of East B Street, a distance of 2,525 feet, 0.48 miles.
- (6) Along San Jacinto from a point 20 feet south of East B Street to a point 500 feet south of East G Street, a distance of 2,630 feet, 0.498 miles.
- (7) Along East C Street from San Jacinto to South Broadway, a distance of 650 feet, 0.123 miles.

- (8) Along West Tyler from North 2nd Street to North 3rd Street, a distance of 330 feet, 0.06 miles.
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- (21) Along Underwood Road from a point 30 feet north of Andricks to a point 100 feet south of Carlow, a distance of 1,480 feet, 0.280 miles.
- (22) Along Farrington Boulevard from West Main to a point 850 feet south of West Main, a distance of 850 feet, 0.161 miles.
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- (24) Along Myrtle Creek from West Main Street, (also known as Spencer Highway) to Sugar Creek, a distance of 1,469 feet, 0.278 miles.
- (25) Along Mockingbird Lane from North H Street to North L Street, a distance of 1,800 feet, 0.341 miles.

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(27) Along South First Street from West H Street to West I Street, a distance of 505 feet, 0.096 miles.

(28) Along BS 146 D from 486 feet South of West B Street to East H Street, a distance of approximately 0.591 miles.

(29) Along McCabe Road from the east line of the right-of-way for State Highway 146 to the Harris County Flood Control District drainage easement, a distance of approximately 1,328 feet, 0.25 miles.

Thirty (30) miles per hour school zones:

(1) Along West Main from a point 530 feet east of Farrington Boulevard to a point 280 feet west of Farrington Boulevard, a distance of 810 feet, 0.153 miles.

(b) The twenty (20) miles per hour and thirty (30) miles per speed limits established in this section shall be in effect on days when 1) school classes are in session and 2) when appropriate signage giving notice thereof is erected at the entrance point of the school zone. Such signage shall state that the maximum speed limit is twenty (20) miles per hour or thirty (30) miles per and indicate the times during which the school zone is in effect or operation, or alternatively, shall state that the maximum speed limit is twenty (20) miles per hour or thirty (30) miles per when lights are flashing and shall be accompanied by a flashing beacon or light during the times the school zone is in effect or operation.

(c) School zone hours for the school zones listed in this section are hereby established as follows: between 7:00 a.m. and 9:00 a.m., and between 2:00 p.m. and 4:00 p.m., Monday through Friday, on days in which school classes are in session; except for those school zones described in subsections (a)(5), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), and (a)(23) of this section, which shall have school zone hours in effect between 7:00 a.m. and 9:00 a.m., and between 3:00 p.m. and 5:00 p.m., and subsection (a)(27) of this section, which shall have school zone hours in effect between 7:00 a.m. and 4:00 p.m. All schools open all year shall be additionally signed "all year."

(d) School zone signs equipped with flashing beacons or lights in lieu of posted school zone hours, may be activated anytime school classes are in session, including but not limited to use for summer school hours and for use during early dismissals or other special school functions. A school zone activated in this manner is enforceable under the terms of this ordinance notwithstanding the fact that it is outside of the school zone hours established in the preceding paragraph.

(e) It shall be an affirmative defense to a charge of exceeding the speed limit in a school zone as established in this section, if on the day in question there were no school classes in session at the specific designated school zone."

Section 2. Any person, as defined in Section 1.07 (27), Texas Penal Code, who shall violate any provision of the ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed TWO HUNDRED DOLLARS (\$200.00).

Section 3. Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the City Council of the City of La Porte, Texas, and each said

provision would have been separately passed without any other provision, and if any provision hereof shall be ineffective, invalid or unconstitutional, for any cause, it shall not impair or affect the remaining portion, or any part thereof, but the valid portion shall be in force just as if it had been passed alone.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council is posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by Chapter 551, Tx. Gov't Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance.

PASSED AND APPROVED this the _____ day of SEPTEMBER, 2016.

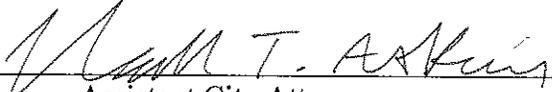
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

City Secretary

APPROVED:



Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 12, 2016</u>	<u>Appropriation</u>
Requested By: <u>Eric Ensey</u>	Source of Funds: _____
Department: <u>Planning & Development</u>	Account Number: _____
Report: <input type="radio"/> Resolution: <input type="radio"/> Ordinance: <input checked="" type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

- 1. **Marked Version Ordinance**
- 2. **Clean Version Ordinance**

SUMMARY & RECOMMENDATIONS

City Council directed staff to bring forward an amendment to the City's Development Fees as it relates to the extension of water and/or sanitary sewer main lines. The code requires the payment of development fees for water and sanitary sewer when an undeveloped parcel of land is developed. This fee is intended to compensate for the original construction of water and sewer lines that already exist adjacent to the tract being developed.

There are instances where water and sewer main lines are not adjacent to a tract of land, and in those cases it is the developer or owner's responsibility to extend such lines. Additionally, in circumstances where the cost of extending the line is less than the amount of development fees required to be paid, the current code requires the developer or owner to pay the difference. Council directed staff to amend the code to not require the developer or owner to pay the difference when extending the lines. The attached ordinance provides language that does so.

Action Required of Council:

Consider approval or other action of an ordinance amending Chapter 74 "Utilities" related to the calculation of development fees for developer/owner funding of utility line extensions.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 74 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, RELATED TO CALCULATION OF DEVELOPMENT FEES FOR DEVELOPER/OWNER FUNDING OF UTILITY LINE EXTENSIONS; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. Chapter 74, “Utilities,” Article III “Water and Sewer Service Charges”, Division 4 “Utility Development Fees”, of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by amending Section 74-287 “Required off-site extensions to serve property development”, which shall hereinafter read as follows, to wit:

“Sec. 74-287. - Required off-site extensions to serve property development.

(a) When water line or sanitary sewer line facilities are not available to serve a tract of land, the city will construct or cause to be constructed public or private construction of an off-site extension of water lines and/or sanitary sewer lines at the developer's expense to and through the subject tract.

(b) Applications for extension.

(1) Any developer/owner who desires an extension of city water or sanitary sewer lines to serve his facility or property shall make written application to the planning and development department to extend said water or sanitary sewer lines to and through the subject tract. The planning and development department shall determine if the project applied for is feasible.

(2) The planning and development department may approve a project's feasibility within the city if it is determined the project is feasible based upon, but not limited to, the following factors:

- a. Economic practicability considering cost of project to city.
- b. Anticipated revenue.
- c. Availability of funds if the city's participation is sought or desired.
- d. Engineering feasibility - construction plans must first be approved by city.
- e. Plant capacity.
- f. Trunk line capacity.
- g. Benefits to city.

(3) If any developer/owner pays for and extends water and/or sanitary sewer lines, provided that such extensions are in accordance with the city's Public Improvement Criteria Manual and are accepted by the city for maintenance, then the following criteria are applicable as it relates to the amount of development fees to be paid by the developer/owner. ~~If it can be shown that the developer paid for the legal and compliant installation of said utilities and the city has accepted same for maintenance then:--~~

- a. If the calculated development fees are less than the cost to the developer/owner for said installation, reference section 74-287(b)(4), below.
- b. If the calculated development fees are more than the cost of said installation, the payment of development fees shall not be required. ~~charged shall be reduced by the amount of the total installation and the developer shall pay the city the difference.~~

(4) In the event that the calculated development fees are less than the cost to the developer/owner to install or extended any needed water and/or sanitary sewer utilities, the owner/developer:

- a. May apply for a utility extension agreement with the city.
- b. May be eligible for a pro-rata reimbursement of the difference for a ten-year period if a utility extension agreement is executed with the city prior to installation/extension and if the owner/developer is seeking or seeks such future pro-rata reimbursement of the extended utilities from developments seeking connections to said line.

(c) Developer's estimate.

(1) At the time of plan submittal developer shall provide the city three written construction estimates and after the award of the bid for the project, the developer shall submit to the city the actual cost of construction/installation as provided by the owner/developer's contractor responsible for the construction and installation of the utilities. After the project is completed and accepted by the city and final payment has been made to the contractor by the developer, the developer may be eligible, under the provisions and procedure set forth in section 74-287(b) above for the difference between the cost of extending said infrastructure/utilities, and the development fees that would otherwise be normally assessed the site or parcel.

(2) In no case shall the development fee be less than the cost of the required water meter and appurtenances, sanitary sewer stack and/or tap, and the inspection of the physical tap by city personnel.

(d) Project records. The planning department's office shall keep complete records on each project made after the date of this division and shall determine the development fee to each tract of land affected by each utility extension project provided a utility extension agreement exists for the newly extended line.

(e) Stipulations on reimbursement.

(1) All reimbursements established under this division are an obligation of the city for a period of ten years from the date of acceptance of the improvements, and, if qualifications for refund under the terms of this division have not been met in this time, the city and landowners of all future taps onto said utility line shall be automatically released of all obligation and further bookkeeping on the account.

(2) A developer/owner shall not be required to pay a pro-rata reimbursement as described in this division if the developer/owner is proposing to extend an existing line and will not be gaining any direct utility service tap from the theretofore previously installed utility line.

(3) Pro-rata reimbursement charge formula.

A development fee shall be made against each tract or parcel that uses or ties onto the subject project water line or sanitary sewer line based on the following formula:

$$\text{Reimbursement cost when service is requested} = \frac{\text{Total construction cost of project}}{\text{Total linear footage of the extension}} \times \text{Linear front footage of that certain tract that taps onto previously extended line"}$$

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Any person who violates a provision of this ordinance, upon conviction in the municipal court of the City of La Porte shall be subject to fine not to exceed two thousand dollars (\$2000.00). Each day of violation shall be considered a separate offense.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contacts and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance, in accordance with the City of La Porte Charter.

PASSED AND APPROVED, this the ____ day of SEPTEMBER, 2016.

CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty
City Secretary

APPROVED:

Clark T. Askins
Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 74 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, RELATED TO CALCULATION OF DEVELOPMENT FEES FOR DEVELOPER/OWNER FUNDING OF UTILITY LINE EXTENSIONS; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE:

Section 1. Chapter 74, "Utilities," Article III "Water and Sewer Service Charges", Division 4 "Utility Development Fees", of the Code of Ordinances of the City of La Porte, Texas, is hereby amended by amending Section 74-287 "Required off-site extensions to serve property development", which shall hereinafter read as follows, to wit:

"Sec. 74-287. - Required off-site extensions to serve property development.

- (a) When water line or sanitary sewer line facilities are not available to serve a tract of land, the city will construct or cause to be constructed public or private construction of an off-site extension of water lines and/or sanitary sewer lines at the developer's expense to and through the subject tract.
- (b) Applications for extension.
 - (1) Any developer/owner who desires an extension of city water or sanitary sewer lines to serve his facility or property shall make written application to the planning and development department to extend said water or sanitary sewer lines to and through the subject tract. The planning and development department shall determine if the project applied for is feasible.
 - (2) The planning and development department may approve a project's feasibility within the city if it is determined the project is feasible based upon, but not limited to, the following factors:
 - a. Economic practicability considering cost of project to city.
 - b. Anticipated revenue.
 - c. Availability of funds if the city's participation is sought or desired.
 - d. Engineering feasibility - construction plans must first be approved by city.
 - e. Plant capacity.
 - f. Trunk line capacity.
 - g. Benefits to city.
 - (3) If any developer/owner pays for and extends water and/or sanitary sewer lines, provided that such extensions are in accordance with the city's Public Improvement Criteria Manual and are accepted by the city for maintenance, then the following criteria are applicable as it relates to the amount of development fees to be paid by the developer/owner:
 - a. If the calculated development fees are less than the cost to the developer/owner for said installation, reference section 74-287(b)(4), below.
 - b. If the calculated development fees are more than the cost of said installation, the payment of development fees shall not be required.
 - (4) In the event that the calculated development fees are less than the cost to the developer/owner to install or extended any needed water and/or sanitary sewer utilities, the owner/developer:
 - a. May apply for a utility extension agreement with the city.

- b. May be eligible for a pro-rata reimbursement of the difference for a ten-year period if a utility extension agreement is executed with the city prior to installation/extension and if the owner/developer is seeking or seeks such future pro-rata reimbursement of the extended utilities from developments seeking connections to said line.
- (c) Developer's estimate.
- (1) At the time of plan submittal developer shall provide the city three written construction estimates and after the award of the bid for the project, the developer shall submit to the city the actual cost of construction/installation as provided by the owner/developer's contractor responsible for the construction and installation of the utilities. After the project is completed and accepted by the city and final payment has been made to the contractor by the developer, the developer may be eligible, under the provisions and procedure set forth in section 74-287(b) above for the difference between the cost of extending said infrastructure/utilities, and the development fees that would otherwise be normally assessed the site or parcel.
- (2) In no case shall the development fee be less than the cost of the required water meter and appurtenances, sanitary sewer stack and/or tap, and the inspection of the physical tap by city personnel.
- (d) Project records. The planning department's office shall keep complete records on each project made after the date of this division and shall determine the development fee to each tract of land affected by each utility extension project provided a utility extension agreement exists for the newly extended line.
- (e) Stipulations on reimbursement.
- (1) All reimbursements established under this division are an obligation of the city for a period of ten years from the date of acceptance of the improvements, and, if qualifications for refund under the terms of this division have not been met in this time, the city and landowners of all future taps onto said utility line shall be automatically released of all obligation and further bookkeeping on the account.
- (2) A developer/owner shall not be required to pay a pro-rata reimbursement as described in this division if the developer/owner is proposing to extend an existing line and will not be gaining any direct utility service tap from the theretofore previously installed utility line.
- (3) Pro-rata reimbursement charge formula.
- A development fee shall be made against each tract or parcel that uses or ties onto the subject project water line or sanitary sewer line based on the following formula:

$$\text{Reimbursement cost when service is requested} = \frac{\text{Total construction cost of project}}{\text{Total linear footage of the extension}} \times \text{Linear front footage of that certain tract that taps onto previously extended line"}$$

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Any person who violates a provision of this ordinance, upon conviction in the municipal court of the City of La Porte shall be subject to fine not to exceed two thousand dollars (\$2000.00). Each day of violation shall be considered a separate offense.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contacts and posting thereof.

Section 6. This Ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance, in accordance with the City of La Porte Charter.

PASSED AND APPROVED, this the ____ day of SEPTEMBER, 2016.

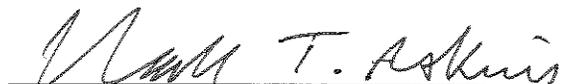
CITY OF LA PORTE, TEXAS

By: _____
Louis R. Rigby, Mayor

ATTEST:

Patrice Fogarty
City Secretary

APPROVED:



Clark T. Askins
Assistant City Attorney

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: Corby D. Alexander Source of Funds: _____
Department: Administration Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

This item to discuss and possibly take action on the evaluation of and review process for Request for Proposals for Collection Services of Delinquent Ad Valorem Taxes, has been placed on the Council agenda by Councilmembers Zemanek, Kaminski, and J. Martin.

Action Required of Council:

Provide direction to staff regarding review of the Request for Proposals for delinquent ad valorem tax collection services and/or possibly take action on proposals or establish an evaluation committee.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: P. Fogarty Source of Funds: N/A
Department: City Secretary's Office Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: _____ Amount Requested: _____
Budgeted Item: YES NO

Attachments :

SUMMARY & RECOMMENDATIONS

The La Porte City Council is authorized to make appointments to boards, commissions and committees. Staff has determined the following vacancies exist.

Regarding the **Building Codes Appeals Board** – Consider appointment of Bryan Moore Jr., (to replace Terry Bunch) to Position 2, to a three-year term expiring August 31, 2019, or until a successor has been appointed and qualified.

Regarding the **La Porte Redevelopment Authority** – consider ratifying Mayor Rigby's appointment of Barry Beasley to Position 2 (to replace Dave Turnquist), to a two-year term expiring August 31, 2018, or until a successor has been appointed and qualified.

Regarding the **La Porte Reinvestment Zone Number One (TIRZ 1)** – consider ratifying Mayor Rigby's appointment of Barry Beasley to Position 2 (to replace Dave Turnquist), to a two-year term expiring August 31, 2018, or until a successor has been appointed and qualified.

FYI: Redevelopment Authority Bylaws state if you are a Board member on the Authority, you are also a Board member on the TIRZ.

Regarding the **Civil Service Commission** – Consider ratifying the City Manager's appointment of Debra Gallington for a three-year term expiring August 31, 2019.

Action Required of Council:

Consider approval or other action of an appointment to the Building Codes Appeals Board, ratifying Mayor Rigby's appointment to the board of the La Porte Redevelopment Authority, and the La Porte Reinvestment Zone No. 1, and ratifying the City Manager's appointment to the Civil Service Commission.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 12, 2016</u>	<u>Appropriation</u>
Requested By: <u>Patrice Fogarty, City Secretary</u>	Source of Funds: _____
Department: <u>City Secretary's Office</u>	Account Number: _____
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

1. TMLIRP Board of Trustees Official Ballot

SUMMARY & RECOMMENDATIONS

Each member of the Pool is entitled to vote for Board of Trustee members; and the City of La Porte is a member of the Pool. Please make your selection for each Place 6-9. Note that Region 14 is our local region. Region 14 candidates are:

Place 6 - Kyle Jung, City Manager - Manvel

Place 9 - Richard Davis, City Manager - Baytown; Andres Garza, City Manager - Wharton

Places 7 and 8 have no Region 14 candidates; however, there are other Region candidates listed for which you may cast a vote.

Action Required of Council:

Cast votes for candidates of the TML Intergovernmental Risk Pool Board of Trustees Election; and authorize the Mayor to sign and the City Secretary to submit the official ballot to the office of David Reagan, Secretary of the TMLIRP Board, no later than September 30, 2016.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 6 – 9 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2016. Ballots received after September 30, 2016, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 6

- Mary Gauer** (Incumbent). Ms. Gauer has served on the TML Risk Pool Board of Trustees since 1998 and as Chair from 2010 to 2012. She served on the Harker Heights City Council from 1991 to 1998, and as Mayor from 1998 to 2004. Ms. Gauer serves as an elected citizen member of the Executive Committee of the Central Texas COG. She has served as President of the TML Association of Mayors, Councilmembers and Commissioners and the TML Region 9. She has also served as chair or member of several TML legislative committees.

- Kyle J. Jung**. City Manager for Manvel (Region 14) since January 17, 2012. Mr. Jung has more than 20 years of local government experience working for the cities of Flatonia and Sour Lake as City Manager, cities of Lubbock and Big Spring in various administrative roles, and with the Texas Municipal League. At the Texas Municipal League, he was chiefly responsible for the governance of the Texas City Management Association. Mr. Jung has a Master's degree in public administration with an emphasis in budgeting and personnel management from Texas Tech University.

WRITE IN CANDIDATE:

PLACE 7

- Richard Jorgensen.** City Manager of Giddings (Region 10). Previously, he served as City Manager for Vidor, Silsbee, and Sour Lake. Mr. Jorgensen has 20 years' experience in city government preparing, coordinating and monitoring the annual fiscal budget. He has also been involved in 4A and 4B economic development corporations for 13 years as either chairman or as a director. He has a Bachelor's degree in business administration and a Master's degree in public administration. He is involved with the Texas City Managers Association, serving on the Board for two years.

- C.J. Wax (Incumbent).** Mayor of Rockport since 2010. Mr. Wax is the current President of TML and served as the TML Region 11 Board Representative to the TML Board from 2011-15. He has served on the TML Risk Pool Board since 2013. He also has served on the Care Regional Board of Trustees since 2014 (currently as Chairman), on the Texas Windstorm Task Force under Chairman Todd Hunter, and on the Rockport Planning and Zoning Commission from 2009-10. He currently represents Rockport on the Coastal Bend COG, Aransas County Pathways, and Storm Water Advisory Committees.

WRITE IN CANDIDATE:

PLACE 8

- Jim Cox.** City Administrator for the City of Leonard (Region 13) since October 1, 2015. He previously served as City Administrator in Lindale, Texas, and Groesbeck, Texas. He also served for two terms on the City Council and on the Home Rule Charter Commission for Bay City, Texas. Mr. Cox is active in TCMA serving on the Membership Committee and Small Cities Advisory Board. He is a graduate of the Certified Public Manager Program at Stephen F. Austin University and attended the University of Texas at Arlington majoring in Business Administration.

- Andrea M. Gardner.** City Manager for the City of Copperas Cove (Region 9) since 2007. Previously, she was the Assistant City Manager/Director of Finance for Copperas Cove, Director of Finance for Pearland, and the Senior Budget Coordinator for Pasadena. She holds a Bachelor's degree in Accounting from the University of Houston and is a Certified Public Manager. Ms. Gardner also serves on the Metropolitan Planning Organization Technical Committee as the City's representative and the Central Texas COG's Executive Committee as a Citizen Liaison.

- Larry Melton (Incumbent).** Mayor for Odessa (Region 4) from 2001 to 2012. Mr. Melton also served three years as a councilmember. He has served on the TML Risk Pool Board of Trustees since 2009 and as Chair since 2014. He is the Chief Executive Officer of a regional public accounting firm, Johnson, Miller and Company, where he is responsible for all administrative and human resources areas of the firm. Previously, Mr. Melton was in the banking business for approximately 30 years. He is active in the United Way of Odessa and Odessa Chamber of Commerce. In 1993, he was honored as Odessa's outstanding citizen.

WRITE IN CANDIDATE:

PLACE 9

- Richard L. Davis.** City Manager for Baytown (Region 14) since 2015. Mr. Davis also served as City Manager for West Jordan, Utah; Town Manager for Fountain Hills, Arizona; and City Manager for West Point City, Utah. He has a Bachelor's degree in Public Relations from BYU and a Master's degree in Public Administration from BYU. He is a graduate of the Romney Institute of Public Management (Marriott School of Management) and the recipient of the Lennis M. Knighton Award for high academic achievement. He is a credentialed Municipal Manager by the International City and County Management Association.

- Andres Garza (Incumbent).** City Manager for the City of Wharton (Region 14) since 1994. Mr. Garza has served on the TML Risk Pool Board of Trustees since 1984, serving as Chair from 1994-1996. He served as the Pearsall City Manager from 1980 to 1994. Mr. Garza has been in public service for over 39 years of which 36 have been as a City Manager. He serves on the TML Small City's Advisory Council, has a BBA degree from Southwest Texas State University, and is a member of TCMA and ICMA.

- Rick A. Schroder.** City Administrator for the City of Helotes (Region 7) since September 2008. Mr. Schroder also served Helotes as the Economic Development Corporation's Specialist from November 2006 to September 2008. He graduated Magna Cum Laude from Trinity University in 2004 and earned a Master of Public Service and Administration in 2006 from the George H.W. Bush School of Government and Public Service at Texas A&M University. He interned for Congressman Henry Bonilla and for Ron Kaufman, former White House Political Director for President George H.W. Bush.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2016.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Political Entity

REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 12, 2016</u>	<u>Appropriation</u>
Requested By: <u>Traci Leach</u>	Source of Funds: _____
Department: <u>Administration</u>	Account Number: _____
Report: <input checked="" type="radio"/> Resolution: <input type="radio"/> Ordinance: <input type="radio"/>	Amount Budgeted: _____
Other: <input type="radio"/> _____	Amount Requested: _____
	Budgeted Item: <input checked="" type="radio"/> YES <input type="radio"/> NO

Attachments :

1. Revised artwork options

SUMMARY & RECOMMENDATIONS

This item was placed on the agenda at the request of Councilmembers Clausen, K. Martin, and Kaminski and was discussed by all Council members at the June 27, 2016 meeting. Staff received direction from City Council to bring back for consideration the Artwork Options presented that showed more specifics and in a format that would present a good idea of what the artwork would look like or how it would appear on the tank itself.

Staff has finalized the scope of work for the Main Street Tank, which will include the artwork so that contractors would be able to accurately price it. Staff has the bid packet ready for advertisement and will include the finalized artwork once selected.

At the direction of City Council, staff used the alternative artwork presented as a guide and created thirteen renderings for consideration. The renderings are included as exhibits to this item.

Action Required of Council:

Provide staff with direction regarding artwork for the Main Street elevated water tank.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date

Tank Reservoir Elevation

Planar measurements of graphics.

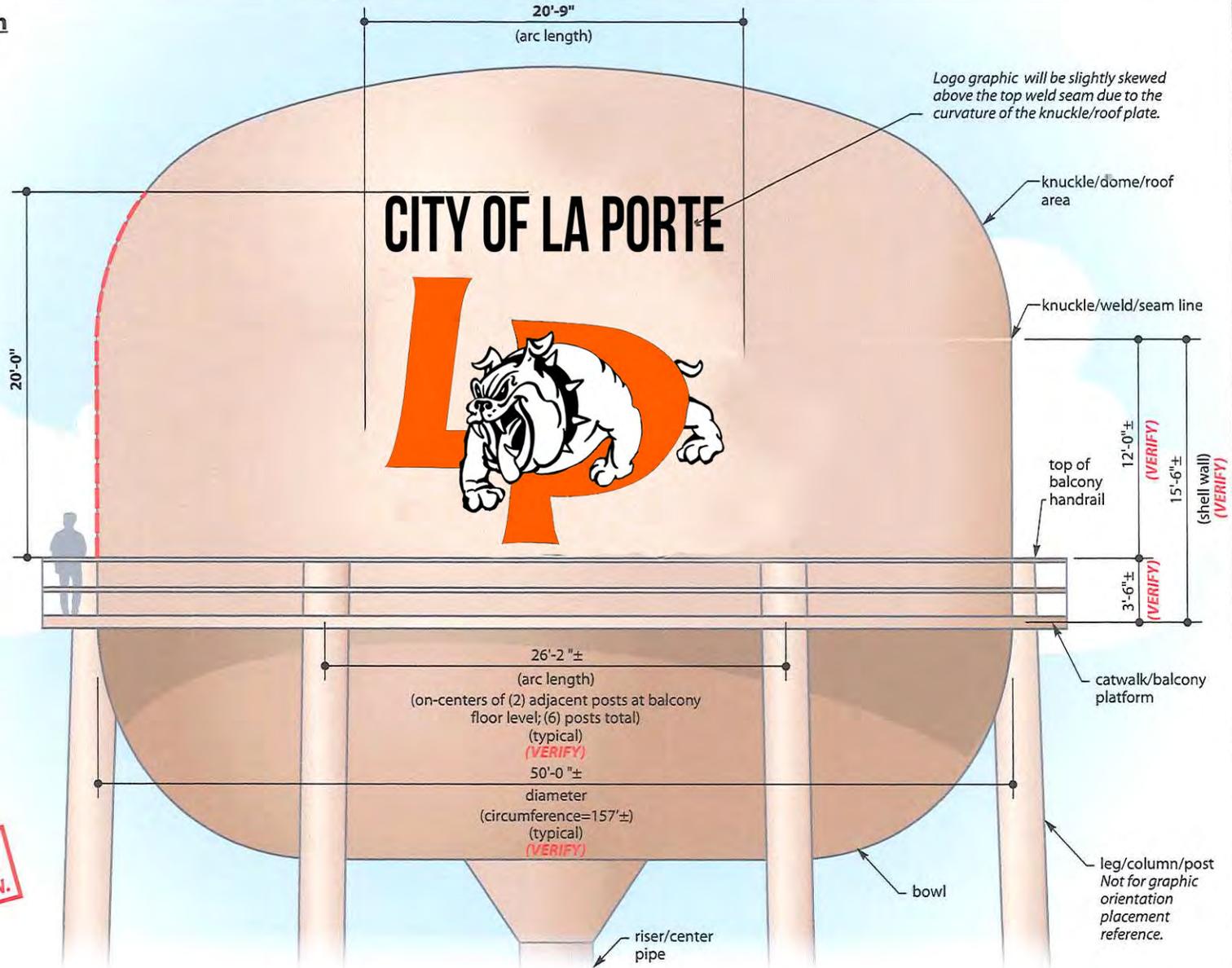
Tank measurements shown are based on a typical 500k gallon tank.

Owner / Contractor should verify all measurements prior to final approvals and production.

Quantity: (2) sides.
Orientation to be determined / verified in the field by Owner.

VERIFY COLORS

- Tnemec Fountainbleu 25BL
- Tnemec KC Blue 21BL
- Tnemec White 00WH
- Tnemec Black 35GR
- Tnemec Desert Sands 04BR



Logo graphic will be slightly skewed above the top weld seam due to the curvature of the knuckle/roof plate.

knuckle/dome/roof area

knuckle/weld/seam line

top of balcony handrail

catwalk/balcony platform

leg/column/post
Not for graphic orientation placement reference.

CITY OF LA PORTE



20'-0"

20'-9"
(arc length)

12'-0"±
(VERIFY)

15'-6"±
(shell wall)
(VERIFY)

3'-6"±
(VERIFY)

26'-2"±
(arc length)
(on-centers of (2) adjacent posts at balcony floor level; (6) posts total)
(typical)
(VERIFY)
50'-0"±
diameter
(circumference=157'±)
(typical)
(VERIFY)

riser/center pipe

bowl

FIELD VERIFY TANK SIZING PRIOR TO FINAL APPROVAL AND PATTERN PRODUCTION.



Tim Donovan | Owner
8327 Sawyer Brown Rd.
Nashville, TN 37221
615.473.0272 tel
888.492.1831 fax
Tim@TankLOGOS.com

Client: Dunham Engineering
Design: La Porte TX FAIRMONT Farrington St 500KG EWT 80
Revision Date:
First Print Date: 11-11-15
Scale: 1/8"=1'-0"±

Please sign copy(s) of this drawing and accompanying estimate if approved and return or fax to begin work.
Signature _____
APPROVED **DATE** _____
APPROVED AS NOTED **DATE** _____
REVISE + RESUBMIT **DATE** _____

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Tank Reservoir Elevation

Planar measurements of graphics.

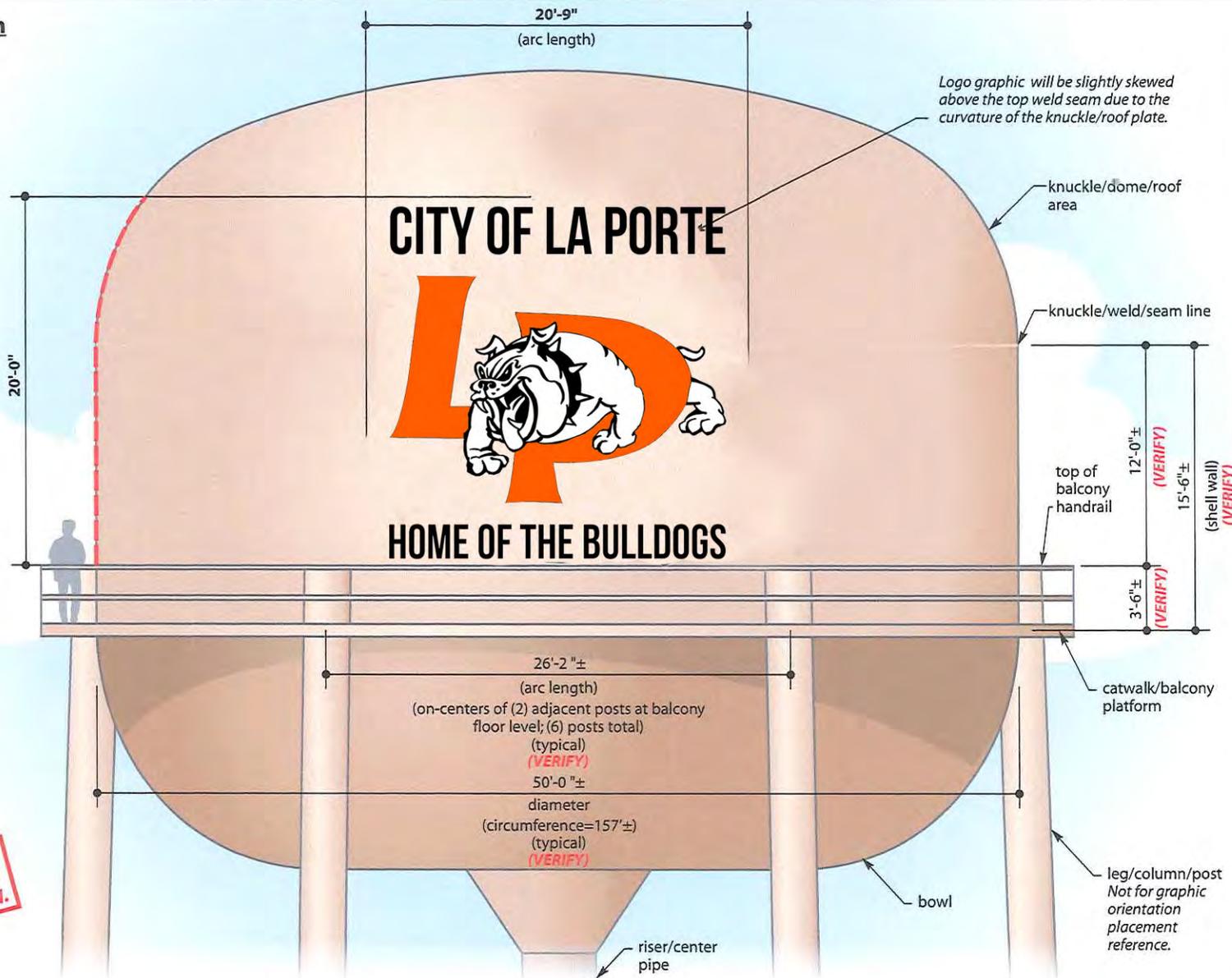
Tank measurements shown are based on a typical 500k gallon tank.

Owner / Contractor should verify all measurements prior to final approvals and production.

Quantity: (2) sides.
Orientation to be determined / verified in the field by Owner.

VERIFY COLORS

-  Tnemec Fountainbleu 25BL
-  Tnemec KC Blue 21BL
-  Tnemec White 00WH
-  Tnemec Black 35GR
-  Tnemec Desert Sands 04BR



FIELD VERIFY TANK SIZING PRIOR TO FINAL APPROVAL AND PATTERN PRODUCTION.



Tim Donovan | Owner
8327 Sawyer Brown Rd.
Nashville, TN 37221
615.473.0272 tel
888.492.1831 fax
Tim@TankLOGOS.com

Client: Dunham Engineering
Design: La Porte TX FAIRMONT Farrington St 500KG EWT 80
Revision Date:
First Print Date: 11-11-15
Scale: 1/8"=1'-0"±

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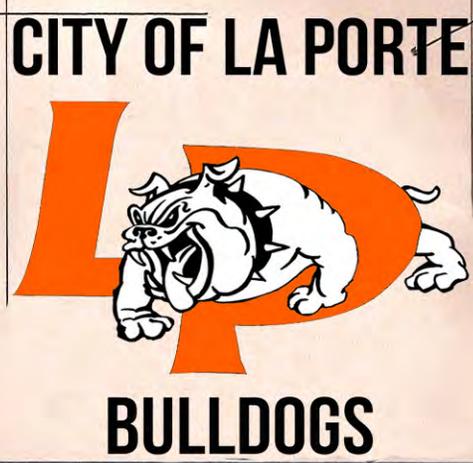
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20'-9"
(arc length)

20'-0"

Logo graphic will be slightly skewed above the top weld seam due to the curvature of the knuckle/roof plate.



knuckle/dome/roof area

knuckle/weld/seam line

12'-0"± (VERIFY)

top of balcony handrail
15'-6"± (shell wall) (VERIFY)

3'-6"± (VERIFY)

(OPTION 3)

catwalk/balcony platform

26'-2"±
(arc length)
(on-centers of (2) adjacent posts at balcony floor level; (6) posts total)
(typical)
(VERIFY)

50'-0"±
diameter
(circumference=157'±)
(typical)
(VERIFY)

leg/column/post
Not for graphic orientation placement reference.

bowl

riser/center pipe

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Tank Reservoir Elevation

Planar measurements of graphics.

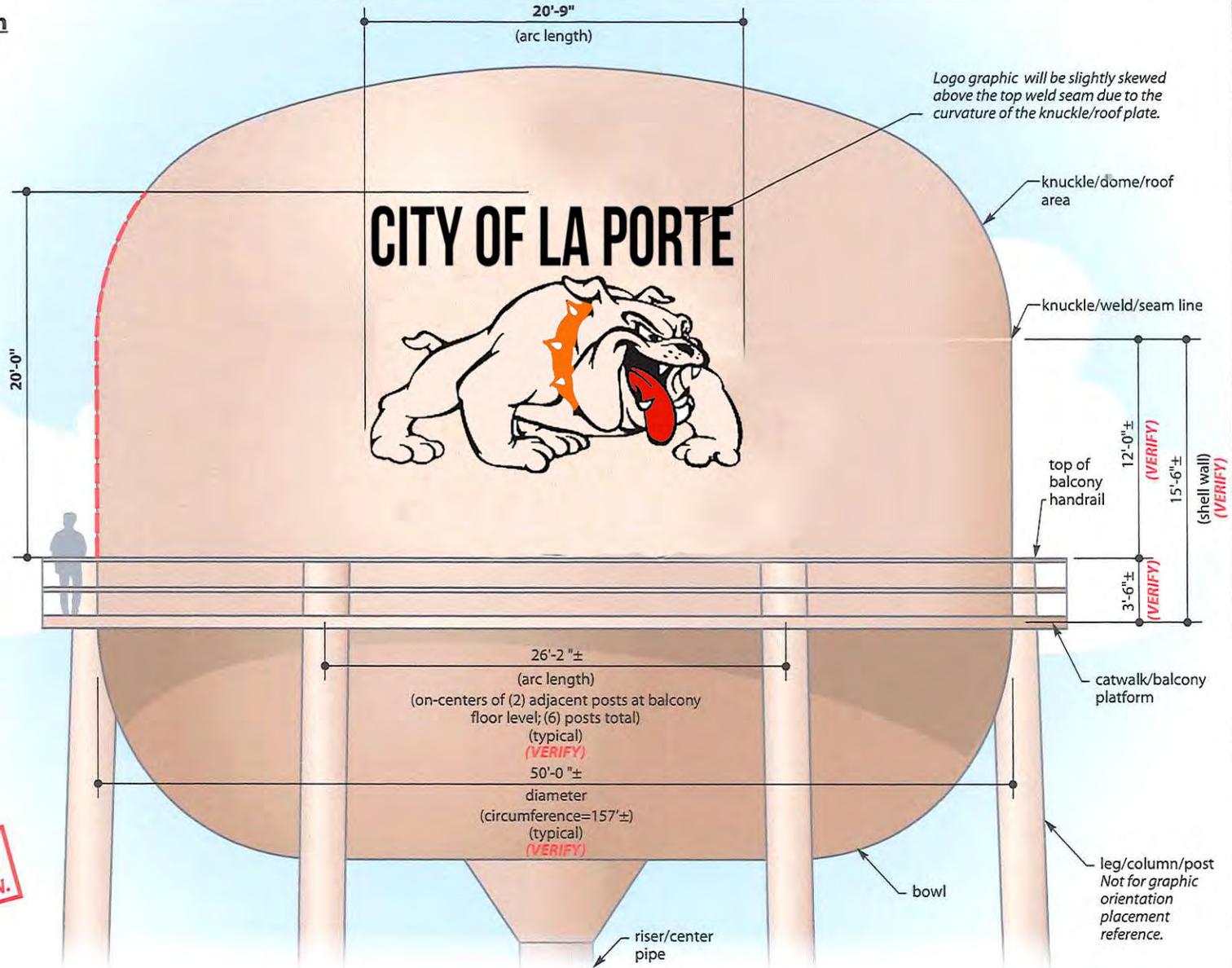
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OPTION 5

Tank Reservoir Elevation

Planar measurements of graphics.

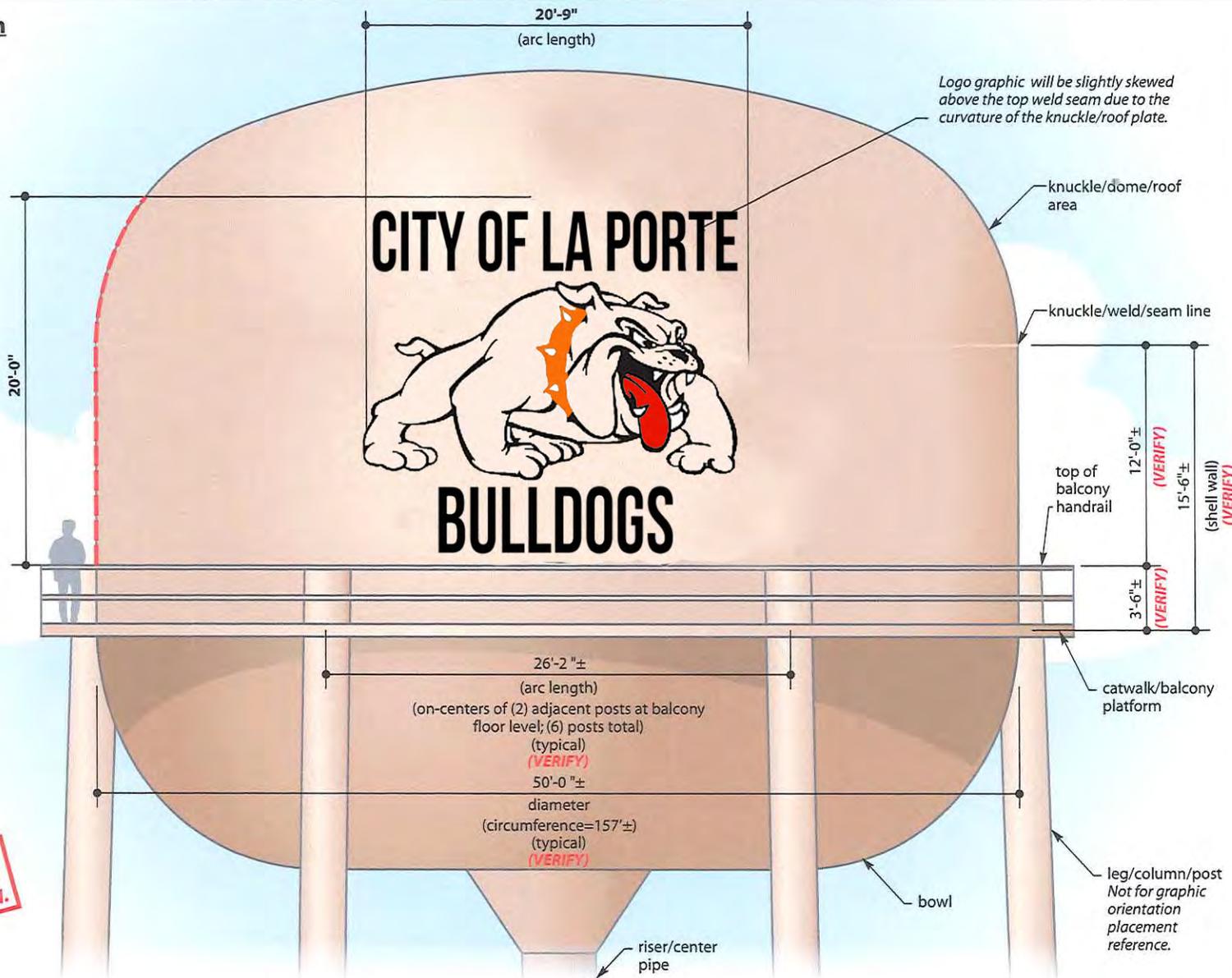
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Tank Reservoir Elevation

Planar measurements of graphics.

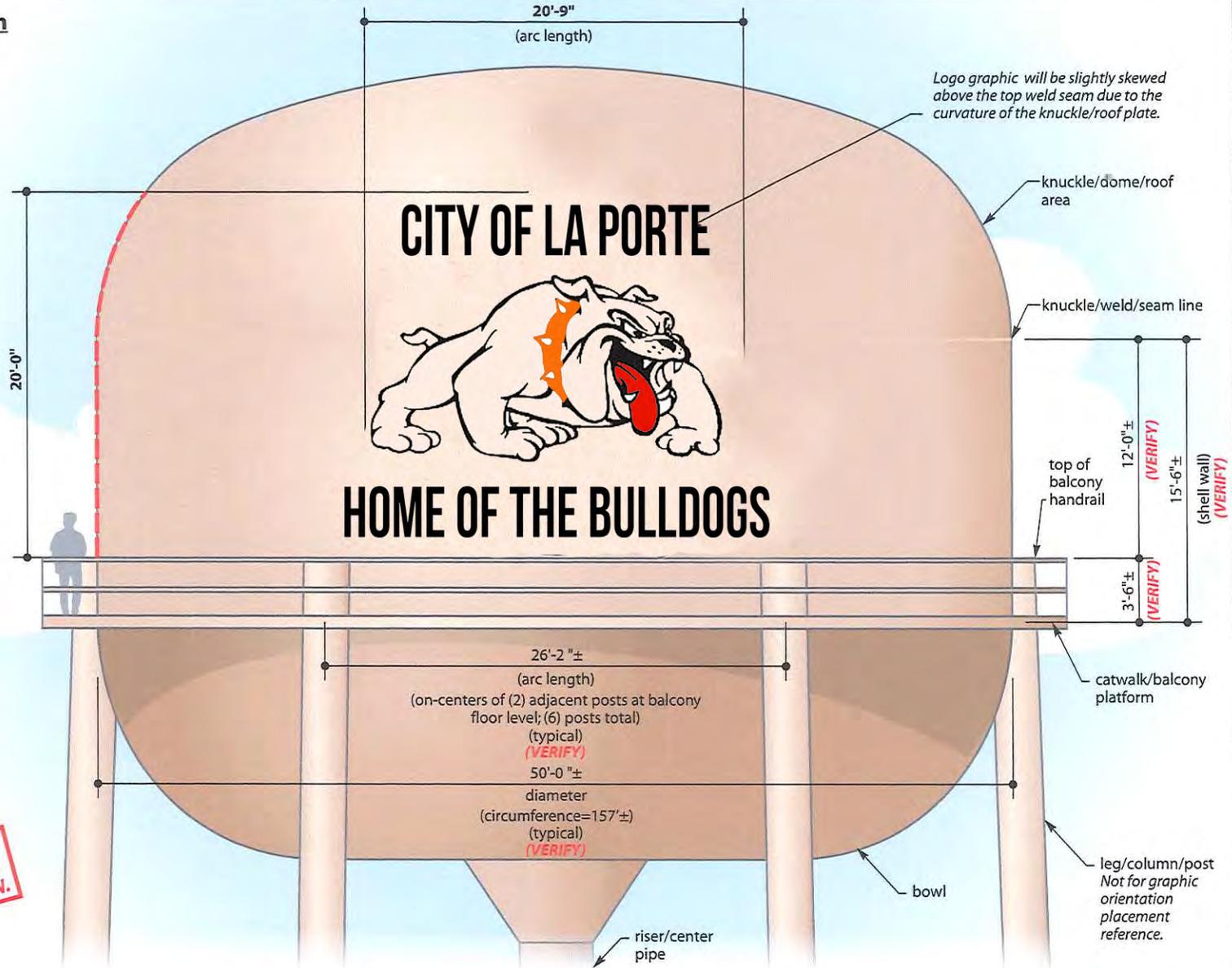
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OPTION 7

Tank Reservoir Elevation

Planar measurements of graphics.

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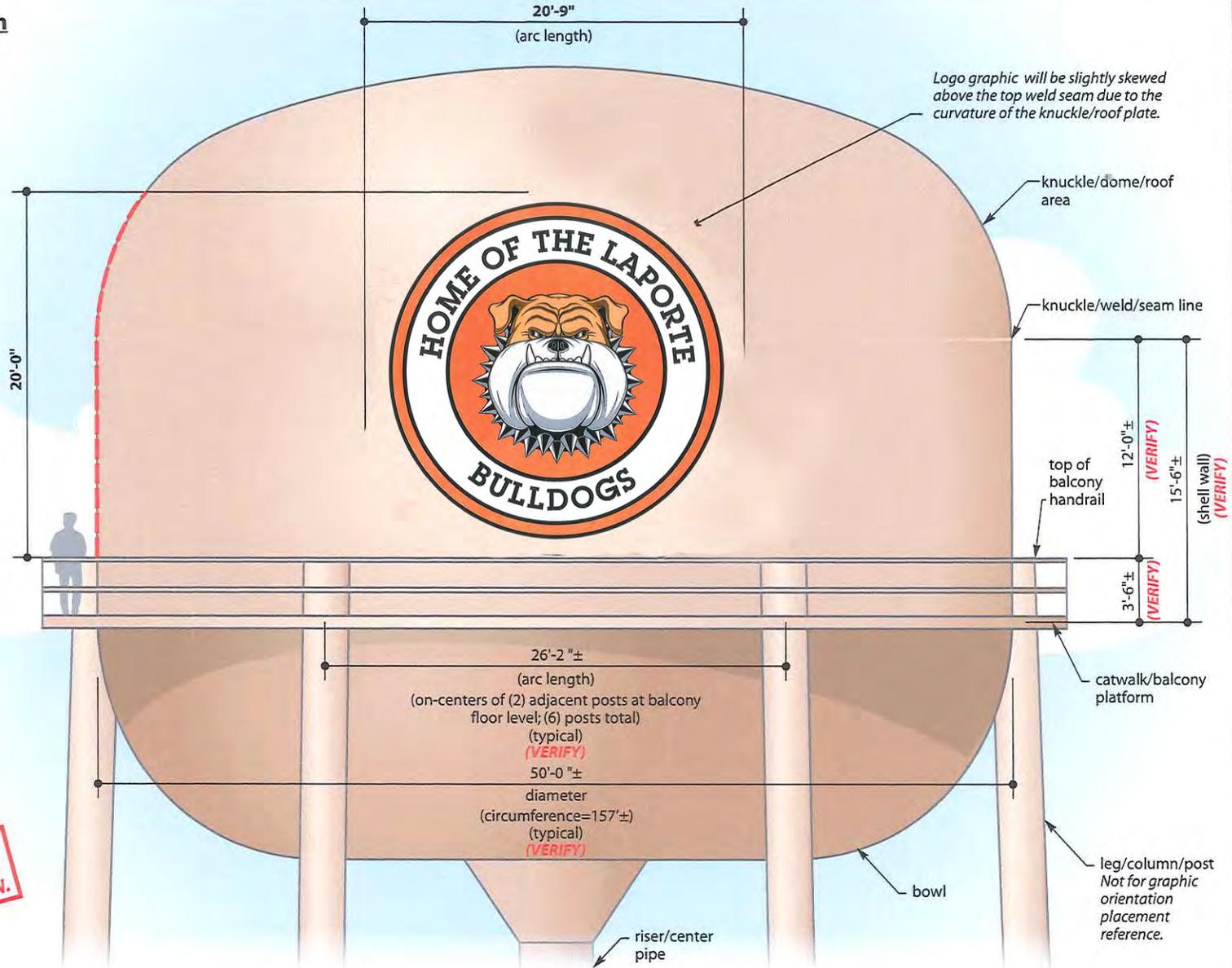
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OPTION 8

Tank Reservoir Elevation

Planar measurements of graphics.

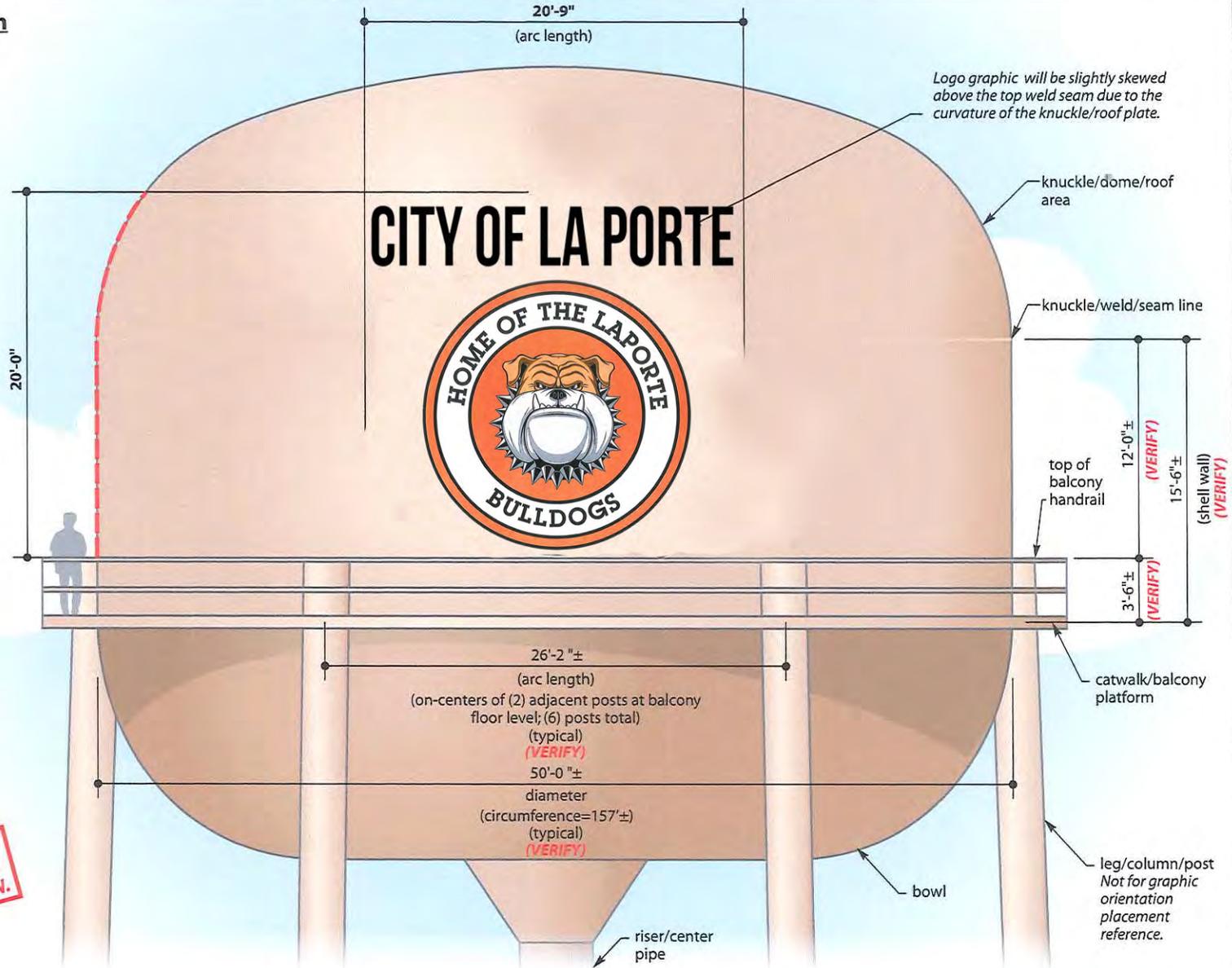
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OPTION 9

Tank Reservoir Elevation

Planar measurements of graphics.

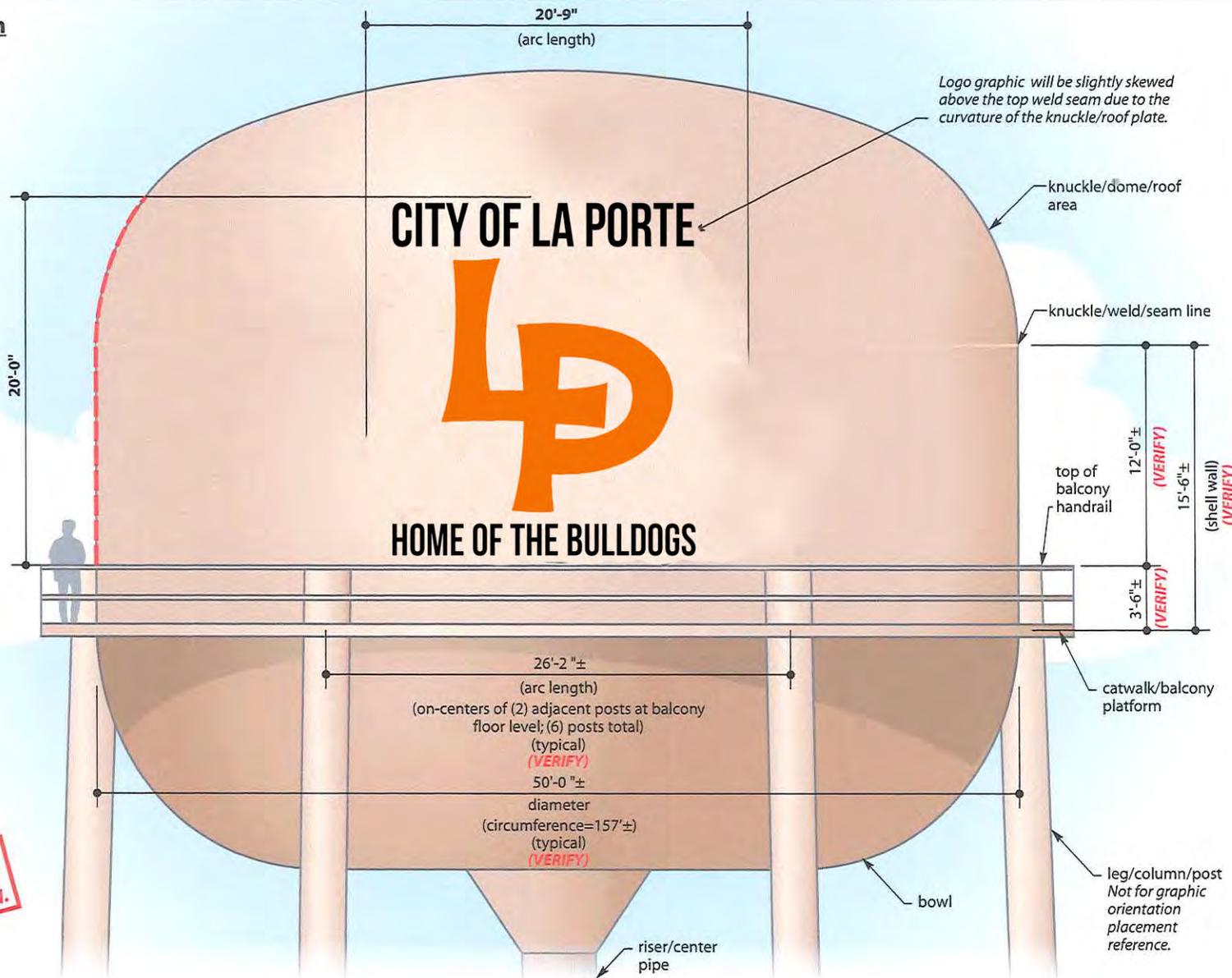
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OPTION 10

Tank Reservoir Elevation

Planar measurements of graphics.

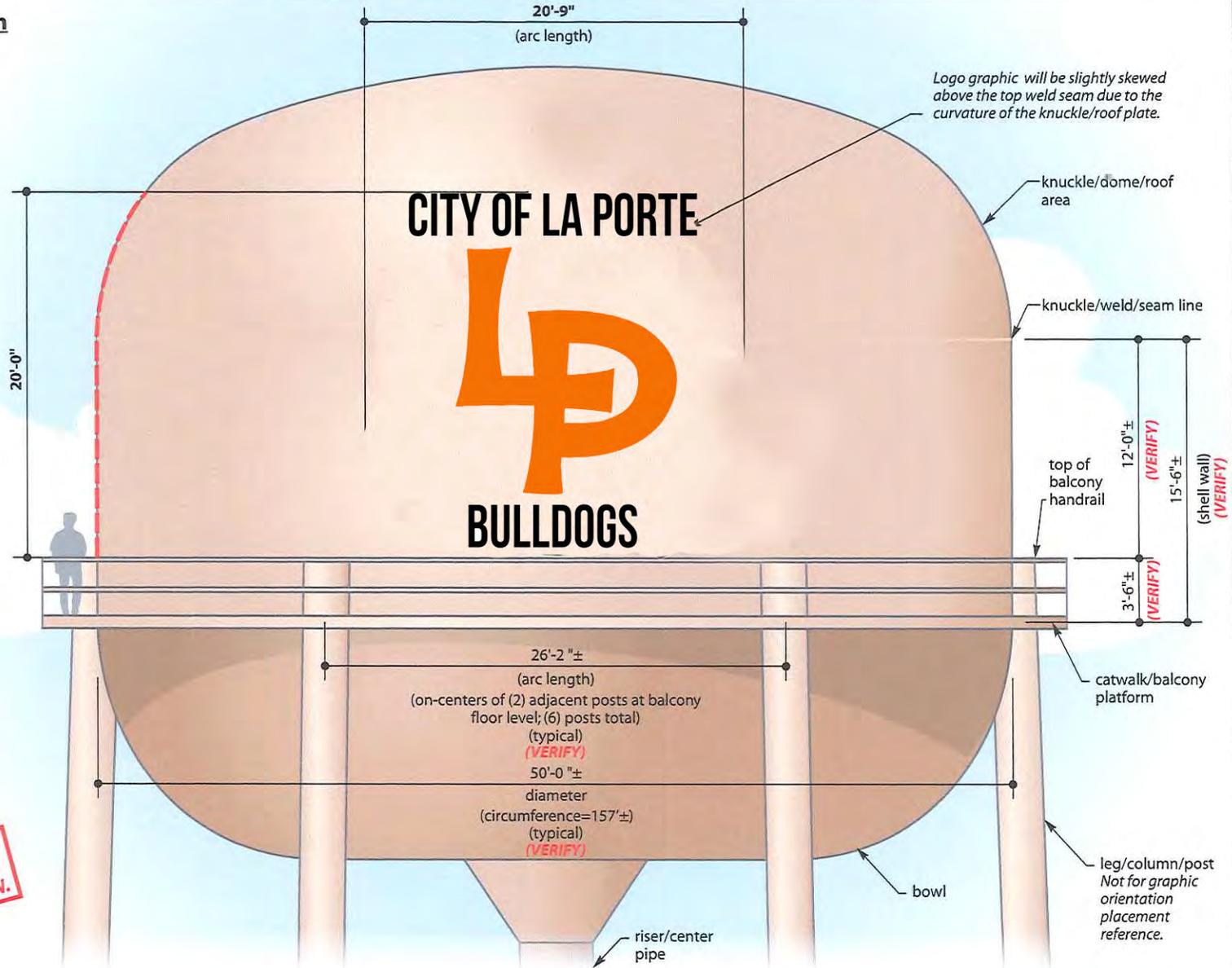
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Tank Reservoir Elevation

Planar measurements of graphics.

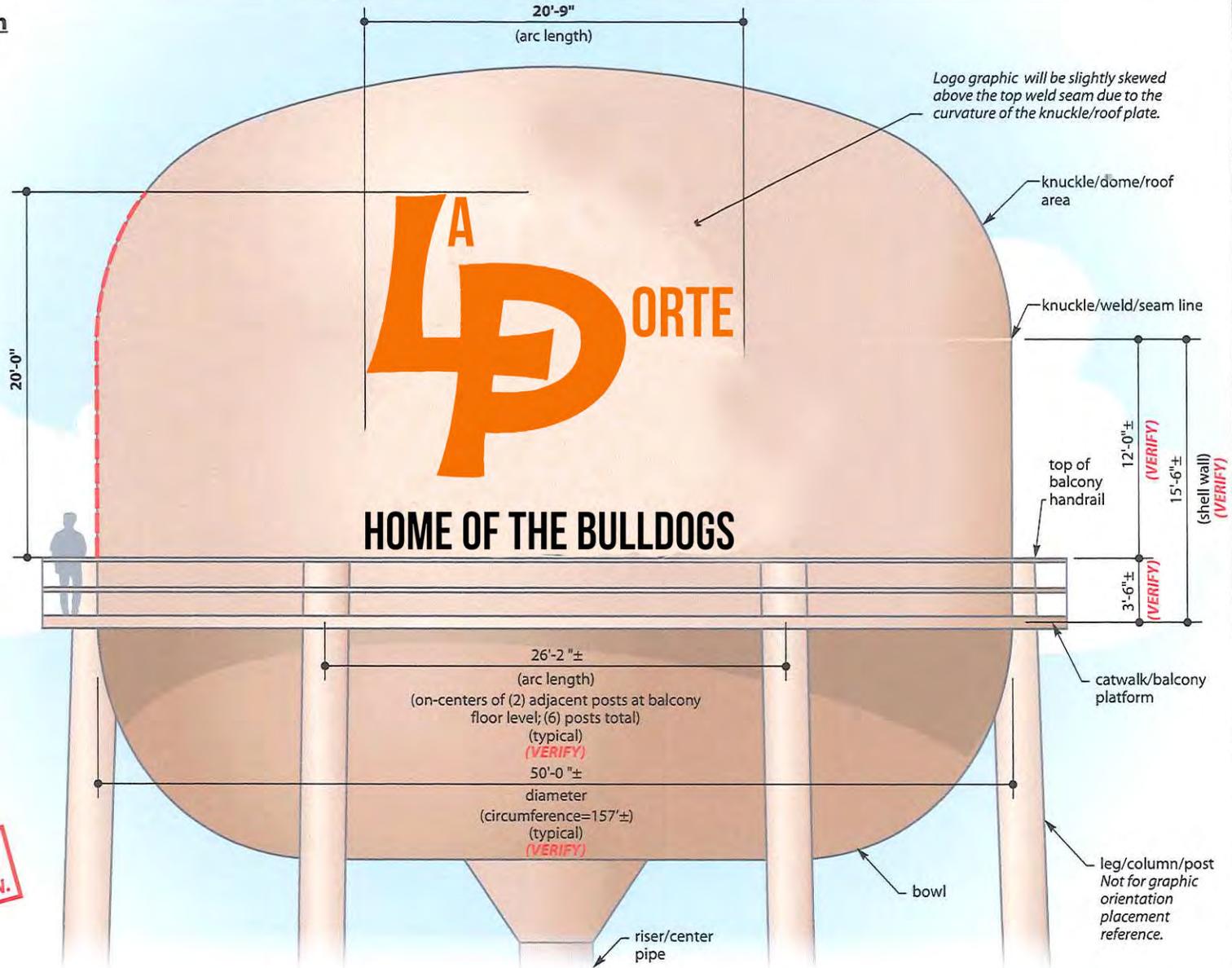
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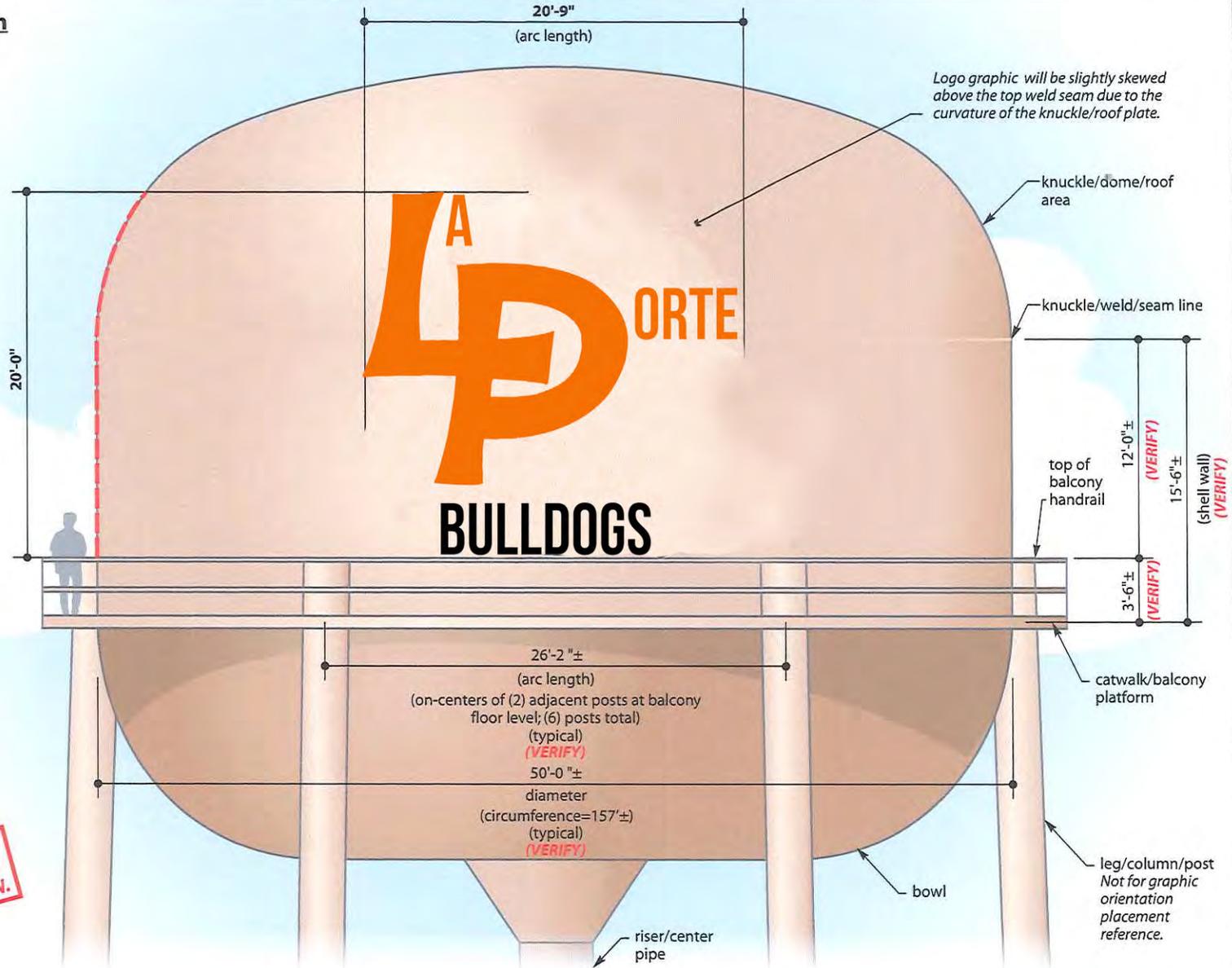
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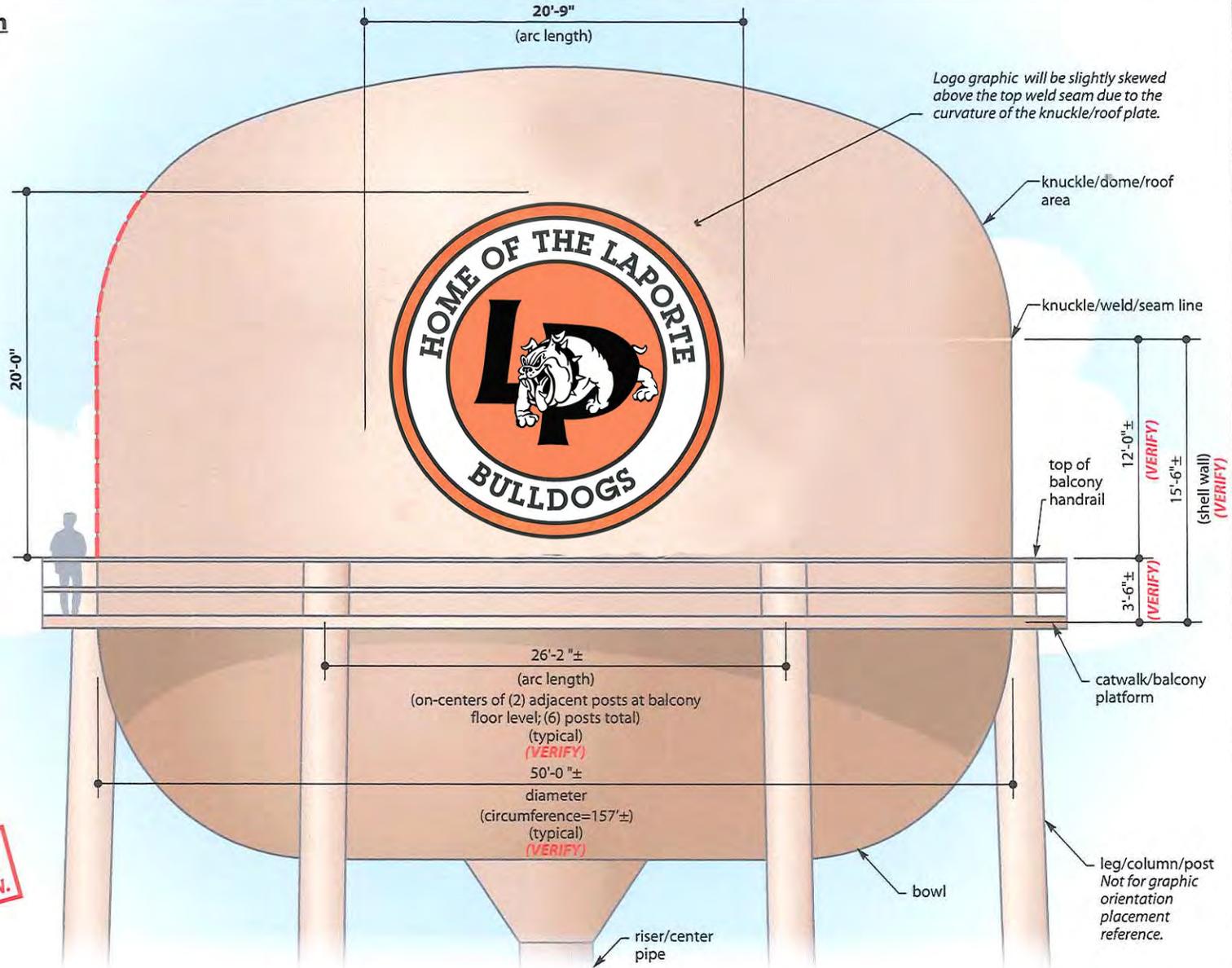
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REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: September 12, 2016 Appropriation
Requested By: Tim Tietjens Source of Funds: _____
Department: Planning & Development Account Number: _____
Report: Resolution: Ordinance: Amount Budgeted: _____
Other: Amount Requested: _____
Budgeted Item: YES NO

Attachments :

1. Letter from Altom Transport
2. Existing Water Service Agreement
3. Existing Sanitary Sewer Service Agreement
4. Area Map

SUMMARY & RECOMMENDATIONS

Altom Transport, Inc., located at 4700 New West Drive, in the Bayport Industrial District, is requesting that a portion of the water allocated to the company through its existing Water Service Agreement with the City be utilized for a proposed tank cleaning facility at its site. This issue has been discussed a number of times at the staff level. Previous discussions have indicated that such a request is outside of current policy and was thus denied at the staff level. However, this is an important concern for Altom and the company has requested that the issue be considered/discussed by the Council to determine if an exception may be granted. City policy currently limits the use of industrial district water and sanitary sewer service for any incoming businesses and/or changes in businesses **since 2010** to domestic purposes only (drinking, flushing, washing, etc.). Staff is seeking Council direction on a variance to the current policy regarding use of industrial district water and sewer service.

Under its current Water Service Agreement, Altom has been allocated 228,750 gallons of water per month from the City. Currently, the company is using only a fraction of what the agreement has allocated, approximately 7,500 gallons per month. The company estimates utilizing 91,500 gallons of this total for its tank cleaning operation each month.

Staff has met with representatives from the company and discussed the proposed operation of the onsite tank cleaning facility. There are several concerns that should be considered during the discussion.

- **Ensuring No Impact to the City's Sanitary Sewer System:** Initial discussions with staff revolved around how the wastewater from the tank cleaning facility would be treated and handled. The City did not want this water entering the City's sanitary sewer system. Altom has indicated that the wastewater from the tank cleaning operation would be collected on-site and transported offsite for permanent disposal to prevent any process wastewaters from being introduced into the city's sanitary sewer collection system. Altom has agreed to provide monthly manifests evidencing the appropriate haul-off of the process water used in the tank cleaning and the submittals will be required of the company's wastewater discharge permit and monitored by the Industrial Waste Division. While there is a monitoring well located nearby, an illegal discharge into the system has the potential to be unchecked until levels at the Waste Water Treatment Plant are impacted. City staff should inspect the installation of the additional tank wash facility to ensure that

there are no drains from the ash area to the sanitary sewer system.

- **Potential for Increased Emergency Calls for Service:** Emergency services departments have expressed concern regarding community impact (primarily odors) arising from the tank cleaning function. Based on tank cleaning responses and impacts of other tank cleaning facilities, the potential for chemical releases and/or odor nuisance calls are very concerning for emergency services.

Representatives from Altom will be present to answer questions regarding the proposed truck wash facility.

Action Required of Council:

Provide guidance to staff regarding Altom Transport's request to utilize a portion of the water it receives from its Water Service Agreement with the City for a proposed truck wash facility to be located at its site at 4700 New West Drive in the Bayport Industrial District.

Approved for City Council Agenda

Corby D. Alexander, City Manager

Date



"Superior Service, Every Single Delivery."

CORPORATE OFFICE

7439 W. ARCHER AVE., SUMMIT, IL 60501
877 712 5866
www.ALTOMTRANSPORT.com

Date: 11/7/13

To: City of La Porte
From: Altom Transport

Traci E. Leach,

Altom Transport is proposing to the City of La Porte to allow us to add a tank cleaning department at 4700 New West Dr. in Pasadena, TX. (drawings attached). This property is located within the Industrial District area and is receiving its water supply from the City of La Porte. This location is being occupied by Altom Transport at this time as a chemical trucking company together with a maintenance shop. Altom Transport employs approximately 90 employees at this location with less than 30% of employees at location at any given time. The addition of a tank cleaning department to this site will result in Altom Transport adding 6 to 8 employees to the company not to mention the capability of growing our driver force.

The City of La Porte has allocated 50 gallons per day per employee (150 employees) for a total of 7500 gallon a day or 228750 gallons per month. Altom Transport anticipates cleaning 12 trailers per day or 366 trailers per month for a monthly water usage of 91500 gallons. These cleanings can be accomplished with the amount of water allocated to Altom Transport at this time. The issue on hand is that the City of La Porte has restricted the water usage to domestic use only. They have also stated that if this service is to be used for any other purpose, it will need additional review by staff and approval by council.

Altom Transport is well aware of the city's concerns about any of the waste water entering the city sewer. As you can see by the drawings, Altom Transport will design the tank cleaning department to collect all water used and will also transport all wastewater to an outside facility for disposal.

Altom Transport is asking for permission to use a percentage of the water allocated for use in the tank cleaning department. As you can see by the numbers above, the amount of water allocated to this facility is enough water to perform this task. We are asking that the

City of La Porte review our proposal with their staff and take to Council for approval.

We are also available to meet with the City of La Porte to answer any questions or concerns you might have.

We also ask that if our proposal gets denied by the city, if it can be given to us in form of a letter so that we can pursue other options.

Regards,

Jesse Garza Sr.

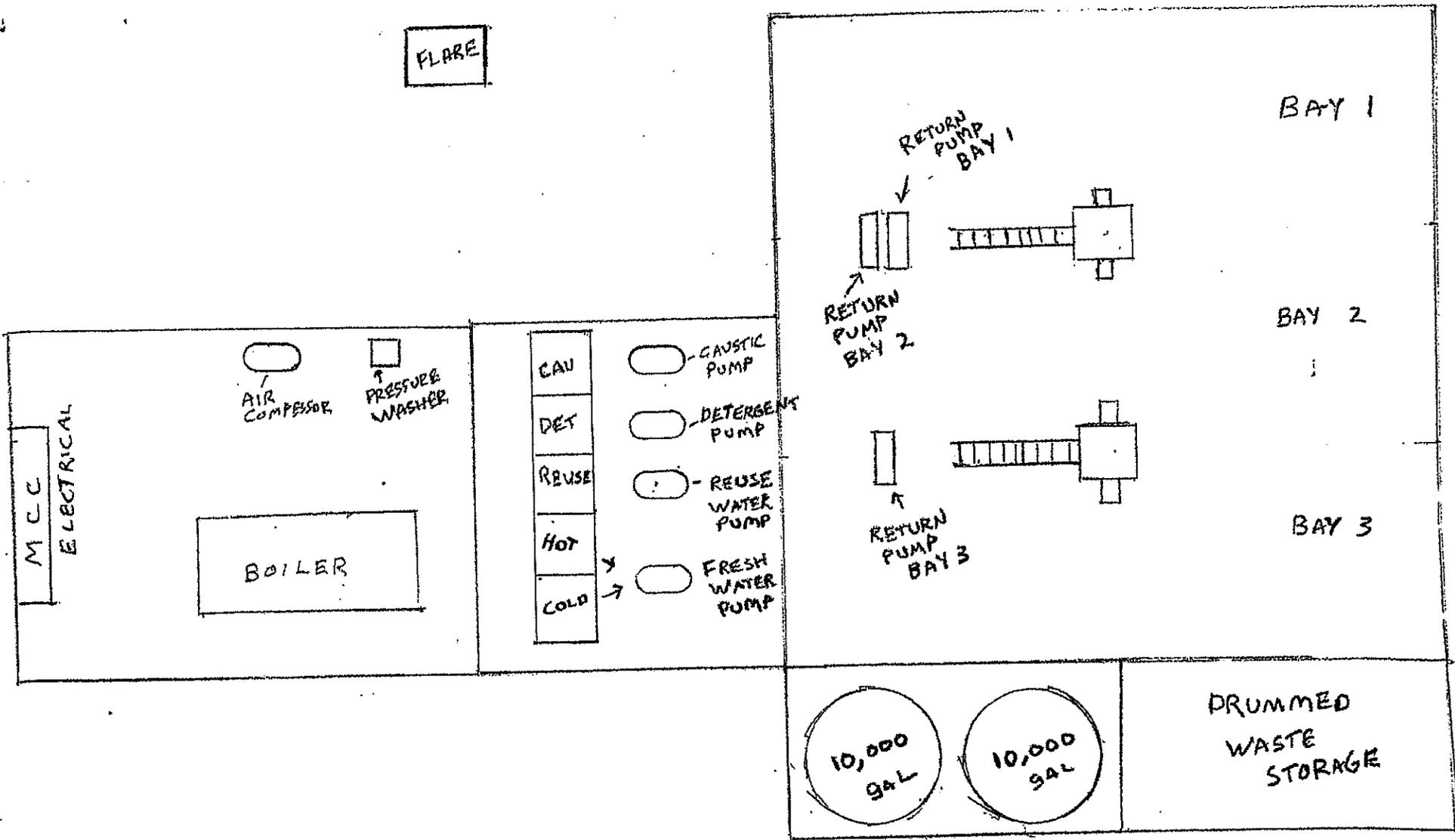
Safety Director

jgarza@altomtransport.com

Ph.281-786-4869

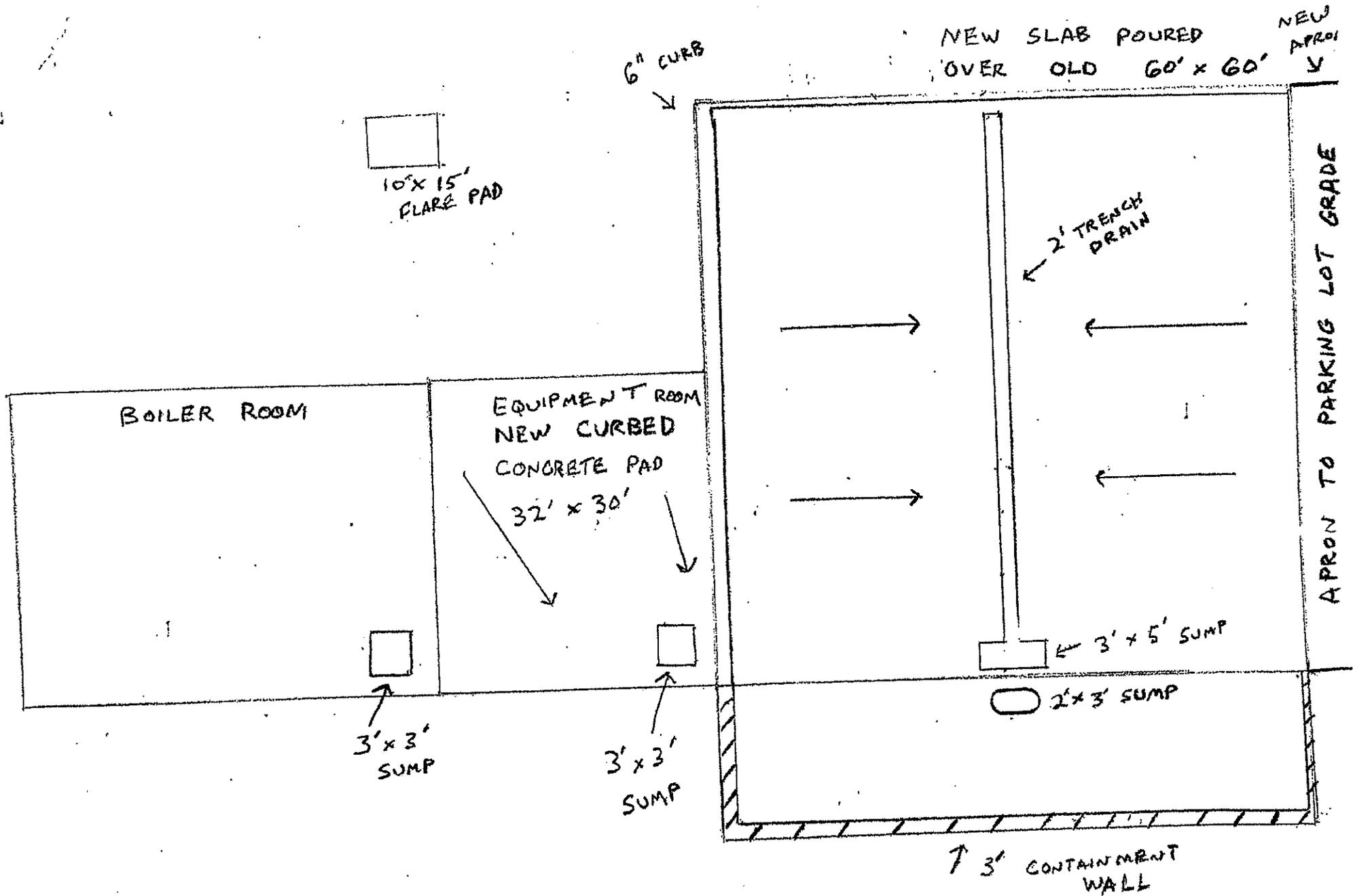
Cell: 773-946-8155

FLARE



WASTE WATER STORAGE

WASH RACK EQUIPMENT



CONCRETE

CONTAINMENT

WASH RACK FLOOR

60' x 60' x 3"

6,723 GAL

WASH RACK DRAIN TRENCH + SUMP

TRENCH 2' x 2' x 55'

SUMP 3' x 5' x 4'

1,643 GAL

448 GAL

TOTAL WASH RACK CONTAINMENT

8,814 GAL

WASTE WATER CONTAINMENT

15' x 40' x 3' + SUMP

13,536 GAL

- TANKS SITTING IN CONTAINMENT

- 3,520 GAL

10,016 GAL

TOTAL WASTE WATER CONTAINMENT

18,830 GAL

EQUIPMENT ROOM

32' x 30' x 6"

7,175 GAL

EQUIPMENT ROOM SUMP 3' x 3' x 3'

201 GAL

TOTAL EQUIPMENT ROOM

7,376 GAL

(LARGEST VAT IS 1,100 GALLONS)

STATE OF TEXAS §

COUNTY OF HARRIS §

**CITY OF LA PORTE
WATER SERVICE AGREEMENT**

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **ALTOM TRANSPORT, INC. (an Illinois corporation)**, hereinafter called "COMPANY".

I.

COMPANY is the owner of certain real property which is situated within the CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing potable water from CITY for usual human domestic uses. Previous planning considerations for the long-range potable water supply of CITY did not include the needs of properties located outside the corporate limits of CITY. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited water service. CITY agrees, however, to provide limited potable water service to COMPANY. For and in consideration of furnishing domestic potable water by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees that will be located at the COMPANY'S property as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Full-Time Employees on site	<u>150</u>
+ Number of Full-Time Contract Employees on site	<u>0</u>
= Total On-Site Full-Time Employees	<u>150</u>
Potable Water Approved for Domestic Use (Total on-site Employees times 50 gpd per employee)	<u>7,500</u>
Total Amount of Potable Water Approved for COMPANY (Average Daily Volume, gpd)	<u>7,500</u>

IV.

CITY has determined that adequate resources are available to CITY to furnish potable water to COMPANY based on the following terms and conditions, to-wit:

- (A) COMPANY shall pay to CITY a one-time administrative fee of \$ N/A.
- (B) The total amount of potable water approved to COMPANY is established at SEVEN THOUSAND FIVE HUNDRED (7,500) gallons per day. This number is based on an average of fifty (50) gallons per employee per day as established by CITY.
- (C) The average monthly volume of TWO HUNDRED TWENTY EIGHT THOUSAND SEVEN HUNDRED FIFTY (228,750) gallons is established by multiplying the average daily volume by a factor of 30.5, which shall be used to facilitate CITY'S utility service billings.
- (D) Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of TWO HUNDRED TWENTY EIGHT THOUSAND SEVEN HUNDRED FIFTY (228,750) gallons. Repeated consumption greater than the established average monthly volume may result in termination of service.
- (E) COMPANY shall pay the standard water tap/meter fee based on CITY'S current tap/meter fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard water deposit fee through CITY'S Utility Billing Division prior to receiving water service from CITY.
- (F) The cost of water up to the average monthly volume of TWO HUNDRED TWENTY EIGHT THOUSAND SEVEN HUNDRED FIFTY (228,750) gallons shall be billed at one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G) The cost of water for amounts used in excess of the established average monthly volume shall be billed at two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (H) COMPANY shall submit a preliminary site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development may be subject to certain additional requirements as described in Exhibit A. These requirements shall be shown on the final site plan and approved by City.
- (I) COMPANY'S site design and site development will, in certain cases, be subject to specific "Rules and Regulations" as defined in Exhibit "C" of COMPANY'S Industrial District Agreement with CITY.
- (J) All plumbing installed by COMPANY connected to the domestic water line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements.
- (K) A reduced pressure zone backflow preventer shall be installed and maintained by COMPANY to protect CITY from any possible cross-connections.
- (L) COMPANY'S potable water supply system will be segregated from any existing and future fire protection system.

- (M) The total cost for the engineering design and construction of any potable water main, service line, back flow preventer, meter or other required appurtenances will be the responsibility of COMPANY.
- (N) COMPANY agrees to be bound by all applicable ordinances of CITY, relative to the furnishing of potable water to customers within the corporate limits of CITY.
- (O) There shall be no resale of water provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (P) CITY'S personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY shall have the right to inspect any and all work related to the furnishing of potable water to COMPANY.
- (Q) CITY shall have the right to interrupt or temporarily suspend said water service to COMPANY if an emergency arises and there is not an adequate water supply to meet the needs of the citizens of La Porte.
- (R) CITY reserves the right to enforce its drought contingency plan on all water customers at CITY'S sole discretion.
- (S) CITY does not guarantee its water system to provide specific water pressure and/or water volume requirements of COMPANY.

V.

All expenses of the installation of the meter; service lines from the main to the meter; and from the meter to COMPANY'S facilities, shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities beyond the meter. CITY shall own the meter.

VI.

In the event a State or Harris County license, permit, or permission to install the water main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S water facilities, reading its water meter(s) and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects

within ten (10) calendar days from date of written notice by CITY may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public water supply is threatened.

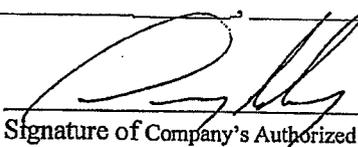
IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another water supply. If the transition is not complete within said six-month period, CITY shall have the right to terminate water service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Water Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Water Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall expire on DECEMBER 31, 2019 plus any renewals and extensions thereof. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the _____ day of _____.


Signature of Company's Authorized Representative

Printed Name: TERRY RODERY

Company Representative's Title: VP GULF CONST OPERATIONS

Company's Address:

4700 NEW WEST DR.

PASADENA, TX 77507

ATTEST:



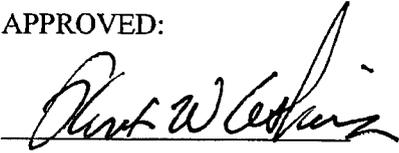
Patrice Fogarty
City Secretary

CITY OF LA PORTE



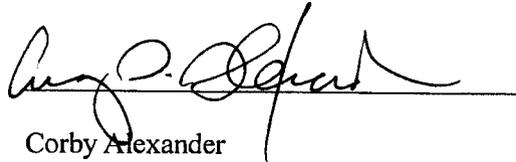
Louis R. Rugby
Mayor

APPROVED:



Knox W. Askins
City Attorney

By:



Corby Alexander
City Manager

EXHIBIT "A"
to Water Service Agreement

The Water Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive water service from CITY per the terms of the Water Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

1.

Initial for Approval:

CITY APPROVAL:

COMPANY APPROVAL:

STATE OF TEXAS §

COUNTY OF HARRIS §

CITY OF LA PORTE
SANITARY SEWER SERVICE AGREEMENT

This AGREEMENT made and entered into by and between the CITY OF LA PORTE, TEXAS, a municipal corporation of Harris County, Texas, hereinafter called "CITY", and **AL TOM TRANSPORT, INC. (an Illinois corporation)**, hereinafter called "COMPANY".

I.

COMPANY is the COMPANY of certain real property, which is situated in CITY'S Battleground or Bayport Industrial District and not within the corporate limits of the CITY. CITY and COMPANY are parties to a current Industrial District Agreement.

II.

COMPANY is desirous of purchasing sanitary sewer service from CITY for usual human domestic uses. COMPANY recognizes that CITY cannot at this time provide permanent and unlimited sanitary sewer service. CITY agrees, however, to provide limited sanitary sewer service to COMPANY. For and in consideration of furnishing sanitary sewer service by CITY, the parties hereto agree as follows, to-wit:

III.

COMPANY has made certain representations to CITY as to the number of employees, as of the date of this agreement, upon which representations CITY has relied in entering into this Agreement.

Upon review of these representations, the City has determined the following:

Number of Employees on-site	<u>150</u>
Number of Contract Employees	<u>0</u>
Total on-site Employees	<u>150</u>
Sanitary Sewer Desired for Domestic Use (Total on-site times 50 gpd per employee)	<u>7,500</u>
Total Amount of Sanitary Sewer Approved For COMPANY (Average Daily Volume, gpd)	<u>7,500</u>

IV.

CITY has determined that adequate facilities are available to allow CITY to furnish sanitary sewer to COMPANY based on the following terms and conditions, to-wit:

- (A). COMPANY shall pay to CITY a one-time administrative connection charge of \$ N/A.
- (B). COMPANY shall pay the standard sewer tap fee based on CITY'S current sewer tap fee schedule. Upon final approval of COMPANY'S on-site and/or off-site utility construction by CITY, COMPANY shall pay the CITY'S standard sewer deposit fee through CITY'S Utility Billing Division prior to receiving sewer service from CITY.
- (C). The average daily volume is established at SEVEN THOUSAND FIVE HUNDRED (7,500) gallons per day. This number is based on an average of fifty (50) gallons per employee per day established by CITY.
- (D). The average monthly volume is calculated to be eighty-five percent (85%) of the average daily volume multiplied by a factor of 30.5, which shall be used to facilitate service billings.
- (E). The cost of sanitary sewer service up to the average monthly volume of ONE HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED THIRTY EIGHT (194,438) gallons shall be one hundred fifty percent (150%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (F). The cost of sanitary sewer service for amounts in excess of the established average monthly volume shall be two hundred percent (200%) of the CITY'S rate as established from time to time for commercial customers inside its corporate limits.
- (G). Nothing contained in this Agreement shall obligate CITY to furnish more than the average monthly volume of ONE HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED THIRTY EIGHT (194,438). Repeated sanitary sewer delivery greater than the established average monthly volume may result in termination of service.
- (H). COMPANY agrees that during periods when the CITY'S collection system is surcharged, the CITY may require the suspension of use of the sanitary sewer system for periods not to exceed thirty-six hours.
- (I). CITY shall have the right to interrupt or temporarily suspend said sanitary sewer service to COMPANY if an emergency arises and there is not an adequate sewer collection or treatment capacity to meet the needs of the citizens of La Porte.
- (J). COMPANY shall file application with CITY for an Industrial Waste Permit and hereby agrees to be bound by CITY'S Industrial Waste Ordinance (Chapter 74, Article II of the Code of Ordinances) and any subsequent amendments or revisions.
- (K). Owner shall install a sanitary sewer sampling well in accordance with CITY'S standards to ensure no sewer waste, other than domestic waste enters its sanitary sewer system.
- (L). The total cost for the engineering design and construction of any sanitary sewer main, service line, lift station, meter or other required appurtenances will be the responsibility of COMPANY.

- (M). COMPANY agrees that it shall be bound by all applicable ordinances of CITY, relative to the furnishing of sanitary sewer service to customers within the corporate limits of CITY.
- (N). COMPANY shall install a sanitary sewer sampling well in accordance with CITY's standards.
- (O). All plumbing installed by COMPANY connected to the sanitary sewer line from CITY, shall meet all applicable State of Texas and CITY plumbing code requirements. CITY'S engineering and code enforcement personnel shall have the right of prior review and approval of COMPANY'S plans and specifications for the plumbing system(s). CITY plumbing inspectors shall have the right to inspect any and all work related to the furnishing of sanitary sewer service to COMPANY.
- (P). There shall be no resale of the sanitary sewer service provided by CITY, nor any extension of service lines by COMPANY to serve other parties.
- (Q). COMPANY shall submit a certified site plan showing the total acreage of the tract including present and proposed improvements and a suitable location map of the site. COMPANY'S development project may be subject to certain additional requirements as described in Exhibit "A", attached. These requirements shall be shown on the site plan and approved by City.

V.

All expenses of the installation of service lines from the main to the COMPANY'S facilities shall be solely at the expense of COMPANY. COMPANY shall own and maintain all service lines and plumbing facilities.

VI.

In the event a State or Harris County license, permit, or permission to install the sanitary sewer main is revoked, or relocation or adjustment is required, CITY will not be responsible for the expense of such relocation, adjustment, or replacement.

VII.

CITY reserves the right of entry at all reasonable times for the purpose of inspection of COMPANY'S sanitary sewer facilities, and to observe compliance with the terms and conditions of this Agreement. When exercising its right of entry, CITY shall notify COMPANY in advance. CITY also agrees to follow established health and safety policies in effect at COMPANY'S facility.

VIII.

CITY reserves the right to terminate this agreement in the event of violation of the terms and provisions hereof by COMPANY. CITY will provide COMPANY with written notice of any defects and COMPANY shall have the opportunity to cure any defects. Failure to correct defects within ten (10) days may result in termination of Agreement. CITY shall have the right to summarily correct, at COMPANY'S expense, any defect or deficiency, when in its opinion the integrity of the public sanitary sewer system is threatened.

IX.

Upon receipt of written notice of termination, COMPANY shall have up to six (6) months to prepare for transition to another sanitary sewer service provider. If the transition is not complete within said six-month period, CITY shall have the right to terminate sanitary sewer service at its sole discretion.

X.

In the event of any conflict between the terms and provisions of this Sanitary Sewer Service Agreement and the terms and provisions of the Industrial District Agreement between the parties, the terms and provisions of the Sanitary Sewer Service Agreement shall control, to the extent of such conflict. The term of this Agreement shall terminate on DECEMBER 31, 2019. However, this Agreement shall automatically expire at such time as there is no effective Industrial District Agreement between the parties or if CITY exercises its right of termination.

ENTERED INTO effective the _____ day of _____, _____.



Signature of Company's Authorized Representative

Printed Name: TERRY ROBERY

Company Representative's Title: VP GULF COAST OPERATIONS

Company's Address:

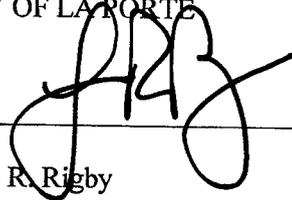
4700 NEW WEST DR.
PASADENA, TX 77507

ATTEST:



Patrice Fogarty
City Secretary

CITY OF LA PORTE

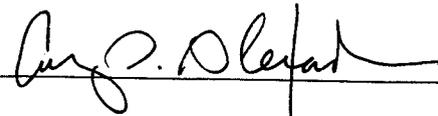


Louis R. Rigby
Mayor

APPROVED:



Knox W. Askins
City Attorney

By: 

Corby Alexander
City Manager

EXHIBIT "A"
to Sanitary Sewer Service Agreement

The Sanitary Service Agreement is hereby amended and supplemented to include the following additional requirements agreed to by CITY and COMPANY. These requirements represent contractual obligations of COMPANY to receive sewer service from CITY per the terms of the Sanitary Service Agreement and this addendum. COMPANY shall fulfill each of the following additional requirements as set forth below.

Additional Requirements of COMPANY:

1.

Initial for Approval:

CITY APPROVAL: CSA

COMPANY APPROVAL: (TR)

TEJAS CT

AREA MAP



FAIRM

NEW CENTURY DR

NEW WEST DR

**ALTOM TRANSPORT, INC.
4700 NEW WEST DR.**

NEW DECADÉ DR

US DEVELOPMENT WAY

UNDERWOOD RD

Legend

-  CITY LIMITS
-  INDUSTRIAL DISTRICT

AREA MAP



TEJAS CT

FAIRN

NEW CENTURY DR

NEW WEST DR

**ALTOM TRANSPORT, INC.
4700 NEW WEST DR.**

NEW DECADE DR

US DEVELOPMENT WAY

UNDERWOOD RD

Legend



CITY LIMITS

INDUSTRIAL DISTRICT



Council Agenda Item September 12, 2016

9. ADMINISTRATIVE REPORTS

- Planning and Zoning Commission Meeting, Thursday, September 15, 2016
- Zoning Board of Adjustment Meeting, Thursday, September 22, 2016
- La Porte Development Corporation Board Meeting, Monday, September 26, 2016
- City Council Meeting, Monday, September 26, 2016

10. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies Councilmembers Clausen, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, Earp and Mayor Rigby

11. ADJOURN

The City Council reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code (the Texas open meetings laws).

In compliance with the Americans with Disabilities Act, the City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meeting. Please contact Patrice Fogarty, City Secretary, at 281.470.5019.
